

# JOURNAL OF THE SENATE

## EIGHTY-EIGHTH SESSION

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FOURTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Friday, January 11, 2013

The Senate convened at 1:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Student Rabbi Brian Nelson, followed by the Pledge of Allegiance led by Senate page Sarah De Yonge.

Roll Call: All members present except Sens. Begalka, Krebs, Novstrup and Tieszen who were excused.

### APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the third day and finds that the following correction should be made:

On page 45, after line 4, insert "SB 67 Introduced by: The Committee on Commerce and Energy at the request of the Department of Labor and Regulation

FOR AN ACT ENTITLED, An Act to revise the requirements for health maintenance organizations.

Was read the first time and referred to the Committee on Commerce and Energy."

1 All additional errors, typographical or otherwise, are duly marked in the temporary journal  
2 for correction.

3 And we hereby move the adoption of the report.

4 Respectfully submitted,  
5 Corey Brown, Chair

6 Which motion prevailed.

## 7 **REPORTS OF STANDING COMMITTEES**

8 MR. PRESIDENT:

9 The Committee on State Affairs respectfully reports that it has had under consideration  
10 SB 34 and returns the same with the recommendation that said bill do pass.

11 Also MR. PRESIDENT:

12 The Committee on State Affairs respectfully reports that it has had under consideration  
13 SB 13 and 33 and returns the same with the recommendation that said bills do pass and be  
14 placed on the consent calendar.

15 Also MR. PRESIDENT:

16 The Committee on State Affairs respectfully reports that it has had under consideration the  
17 nomination of Larry Zimmerman of Pennington County, Rapid City, South Dakota, to the  
18 position of the Secretary of the Department of Veterans Affairs and returns the same with the  
19 recommendation that the Senate advise and consent to the confirmation of said appointment.

20 Respectfully submitted,  
21 Larry Rhoden, Chair

## 22 **COMMEMORATION**

23 SC 1 Introduced by: Senators Maher, Brown, Frerichs, Johnston, Olson (Russell), Rhoden,  
24 and Tieszen and Representatives Olson (Betty) and Cammack

25 A LEGISLATIVE COMMEMORATION, Honoring Bethold (Bert) Fried on his 90<sup>th</sup> birthday.

WHEREAS, Bethold (Bert) Fried was born on his family farm near White Butte, South Dakota on January 15, 1923, to Christ and Emelia Fried, grew up near Bison, South Dakota, married Mildred Reitdorf on June 18, 1950, and spent most of his life farming near Meadow, South Dakota; and

WHEREAS, Bert is the recipient of the Silver Star from his service in World War II. Bert served in Company A, 14<sup>th</sup> Tank Battalion, the first tank company to cross the Bridge at Remegen on March 7, 1945, after Germany's failed attempt to destroy the bridge; and

WHEREAS, Bert retired in 1996 and moved to Sturgis, South Dakota where he and Mildred continue to participate in the Sturgis Senior Center and the First Presbyterian Church in Whitewood, South Dakota. Bert and Mildred have 5 children, 12 grandchildren, and 12 great-grandchildren.

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Eighth Legislature of the State of South Dakota, that Bert will be honored on January 12, 2013, at an open house celebrating his 90<sup>th</sup> birthday.

Sen. Brown moved that the Senate do now adjourn, which motion prevailed and at 1:11 p.m. the Senate adjourned.

Jeannette Schipper, Secretary

Pursuant to the Joint-Select Committee Report found on page 18 of the Senate Journal, the following are the Senate Rules, the House Rules, and the Joint Rules of the Eighty-eighth Legislative Session:

## **SENATE RULES**

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## **CHAPTER 1. PRESIDING OFFICER**

## **CONSTITUTIONAL PROVISIONS**

*Art. IV, Sec. 5. Powers and duties of lieutenant governor.*

*THE LIEUTENANT GOVERNOR SHALL BE PRESIDENT OF THE SENATE BUT SHALL HAVE NO VOTE UNLESS THE SENATORS BE EQUALLY DIVIDED.*

## RULES

**S1-1. President pro tempore presides in absence of president.** If the president is absent or unable to serve, the president pro tempore shall act as presiding officer of the Senate. The acts of the president pro tempore have the same validity as those of the president.

**S1-2. Presiding officer in absence of president and president pro tempore.** If the president and the president pro tempore are absent or unable to serve, any member called to the chair by the Senate may serve as presiding officer. When in session, the presiding officer, in the absence of the pro tempore, may designate any member to perform the duties of the presiding officer, but the designation may not extend beyond an adjournment. The acts of such a member have the same validity as those of the president.

## CHAPTER 2. FLOOR PRIVILEGES, SEATING, AND MEETINGS

**S2-1. Repealed.**

**S2-2. Seating assignments.** The president pro tempore of the Senate, with the advice of the minority leader, shall make the seating assignments for the floor of the Senate.

**S2-3. Hour of meeting.** The hour of meeting of the Senate is 2:00 p.m. on each legislative day unless otherwise ordered by the Senate.

**S2-4. Introduction of honored guests.** Any Senator may, with the prior approval of the presiding officer, present honored guests for introduction on the floor of the chamber. Any honored guest should be a representative of some noteworthy event, charity, or benevolent organization or the recipient of some significant honor, title, or award and shall be briefly conducted onto the Senate floor from the legislators' side lobby. However, all such presentations may only occur during the first hour of business, and the honored guests may not address any remarks to the Senate. Introduction shall be made by the presiding officer or their designee.

## CHAPTER 3. OFFICERS AND EMPLOYEES

**S3-1. Elective officers.** The officers of the Senate are a president pro tempore of the Senate, a secretary of the Senate and such other officers necessary to conduct the business of the Senate, who shall be formally elected by a majority vote of the members-elect of the Senate. Employees necessary to conduct the business of the Senate shall be appointed by the president pro tempore and their appointment shall be announced at the opening of the session.

## CHAPTER 4. COMMITTEES

**S4-1. Standing committees.** The presiding officer of the Senate shall announce the members of the following standing committees after their selection by the president pro tempore and the minority leader. The number of members is indicated after each committee:

1. Agriculture and Natural Resources (9)
2. Appropriations (9)

- 1 3. Commerce and Energy (7)
- 2 4. Education (7)
- 3 5. Government Operations and Audit (5)
- 4 6. Health and Human Services (7)
- 5 7. Judiciary (7)
- 6 8. Legislative Procedure (7)
- 7 9. Local Government (7)
- 8 10. Retirement Laws (5)
- 9 11. State Affairs (9)
- 10 12. Taxation (7)
- 11 13. Transportation (7)

12 The president of the Senate is an ex officio member of the committee on legislative procedure.

13 **S4-2. Chairs of standing committees.** The president pro tempore of the Senate shall serve  
14 as the chair of the legislative procedure committee. For other committees, the member of a  
15 committee announced first is the chair. In the absence of the chair, the member announced next  
16 shall act as chair, and so on as often as necessary.

17 **S4-3. Referral of bills to committee.** Upon the first reading of a bill, the president pro  
18 tempore of the Senate or his designee shall assign that bill to an appropriate committee for  
19 hearing.

## 20 CHAPTER 5. RULES

21 **S5-1. Adoption, suspension, or amendment of rules.** A motion to adopt the rules of the  
22 Senate shall be decided by a majority of the members-elect, subject to debate. A motion to  
23 suspend or amend a rule of the Senate shall be decided by a two-thirds majority of the  
24 members-elect, subject to debate.

25 **S5-2. Proceedings governed by Mason's Manual.** *Mason's Manual of Legislative Procedure*  
26 governs the proceedings of the Senate in all cases not covered by these rules or the Joint Rules.

27 **S5-3. Conflicting rules.** If the Senate rules and the Joint Rules conflict, the Senate rules  
28 govern.

29 CHAPTER 6. CONSENT CALENDAR

30 **S6-1. Consent calendar.** Notwithstanding Joint Rule 13-1, a bill requiring a two-thirds vote  
31 of the members-elect may not be voted on the Senate consent calendar. If such a bill is placed  
32 on the Senate consent calendar, the presiding officer shall order it removed and placed on the  
33 next legislative day's regular bill calendar.

34 **S6-2. Approval of consent calendar is final disposition.** Notwithstanding Joint Rule 13-4,  
35 after allowing a reasonable time for questions from the floor on the bills and resolutions on the  
36 consent calendar and after permitting the proponents to answer the questions, the president of  
37 the Senate shall call for a vote on the consent calendar. Approval of the consent calendar by a

majority of the members-elect of the Senate is considered final disposition of all the bills and resolutions on the consent calendar.

## CHAPTER 7. NOMINATIONS FROM THE GOVERNOR

**S7-1. Confirmation procedure.** Nominations from the Governor shall be referred to a standing or select committee. A committee receiving such a referral shall conduct hearings on the fitness and qualifications of the nominee to serve in the post for which the nominee has been nominated. After the hearings and subsequent deliberations, the committee shall report to the full Senate its recommendation that the nomination should or should not receive the consent of the Senate. Following the committee report, action on the confirmation shall be set for a day certain on the legislative calendar. In committee and on the floor, consideration of the Governor's appointments that require Senate confirmation shall take place in open session unless otherwise ordered by a majority of the body present.

**S7-2. Time for taking final action.** Final action on nominations by the Governor may not be taken until the second legislative day after receiving the nomination. This rule does not apply to a nomination received during the three final legislative days.

**S7-2.1. Uncontested nomination on consent calendar.** Each standing committee may report an uncontested nomination out of committee with recommendation that it be placed on the consent calendar where it shall be subject to Joint Rules 13-2, 13-3, and 13-4.

**S7-3. Motion of advice and consent.** On considering nominations from the Governor, the presiding officer shall put the following question: "Does the Senate advise and consent to the executive appointment of (name) pursuant to the executive message as found on page \_\_\_\_ of the Senate Journal?"

**S7-4. Vote requirements.** Confirmation of nominations from the Governor requires a majority vote of the members-elect.

**S7-5. Reconsideration of vote.** While a nomination from the Governor remains within the Senate, the members may reconsider any vote taken on it.

**S7-6. Written notice of final action.** Upon final action, the secretary of the Senate shall notify the Governor and the secretary of state in writing of the action of the body.

## CHAPTER 8. DISCIPLINE AND EXPULSION OF MEMBERS

**S8-1. Select Committee on Discipline and Expulsion.** Any two senators may by written motion first delivered to the President Pro Tempore move for the establishment of a Select Committee on Discipline and Expulsion to investigate the conduct of any other senator. Upon being seconded, the motion is debatable, and passage of the motion requires a majority vote of the members elect. The Select Committee on Discipline and Expulsion shall be composed of nine members of the Senate. The chair and vice chair of the select committee shall be chosen by the President Pro Tempore and may not both be members of the same political party. The other seven members of the select committee shall be chosen

1 by the President Pro Tempore in consultation with the majority leader and the minority  
2 leader. No more than five members may be of the same political party.

3 **S8-2. Meetings; notice; quorum; vote.** All meetings of the Select Committee on Discipline  
4 and Expulsion shall be held in the Capitol. A majority of the members of the committee  
5 constitutes a quorum. The affirmative vote of majority of those present and voting,  
6 assuming a quorum, is required for actions of the committee.

7 All meetings of the Select Committee on Discipline and Expulsion are open meetings in like  
8 manner to any other Senate committee meeting. All meetings shall be webcast and archived  
9 in like manner to any other Senate committee meeting.

10 All meetings of the Select Committee on Discipline and Expulsion shall be scheduled at  
11 times that are not in conflict with any other official Senate business. All members of the  
12 Senate have the right to be present during all of the select committee's meetings.

13 **S8-3. Oath.** Prior to consideration of any matter referred to it, except establishing a quorum,  
14 the members of the select committee shall subscribe to the following oath, which shall be  
15 administered by the Secretary of the Senate.

16 "I do solemnly swear (affirm) that in all things appertaining to the matter referred to this  
17 select committee, I will do impartial justice according to the Constitution, laws, Joint Rules,  
18 and Senate Rules of the State of South Dakota. I do solemnly swear that I will faithfully and  
19 impartially discharge and perform all the duties incumbent upon me as a member of the  
20 Senate Select Committee on Discipline and Expulsion in the aforesaid matter, according to  
21 the best of my ability and understanding, so help me God."

22 **S8-4. Procedure in committee.**

23 The Select Committee on Discipline and Expulsion shall:

24 (1) Conduct all hearings in like manner to any other Senate committee meeting, and  
25 only after informing the member who is the subject of the hearing in writing of the date  
26 and time of each meeting held for the purpose;

27 (2) Invite the member who is the subject of the hearing to attend all meetings of the  
28 committee in person and to be accompanied by legal counsel, or to be represented at  
29 the hearings by legal counsel of the member's choice and at the member's own expense;

30 (3) Afford the member full opportunity to present the member's position, to present  
31 witnesses in support of the member's position, and extend the opportunity to confront  
32 and to question witnesses called by the committee;

33 (4) Advise the member immediately of the date and time of each meeting, in cases  
34 where the committee adjourns prior to completing its work and submitting its report to  
35 the Senate.

If the Senate is called into special session for the express purpose of investigating the conduct of a Senator, the member is deemed to have received constructive notice within the provisions of this rule.

**S8-5. Subpoena power; punishment for contempt.** The select committee is hereby specifically and expressly granted the power and authority, with the written approval of the chair of the committee, or the approval of a majority of the members of the committee, to hold hearings, subpoena witnesses, administer oaths, require the production of books and records, and to do all other things necessary to accomplish the purpose of its hearings and deliberations.

If a subpoena is not honored, the select committee also has the power to punish for contempt and to provide for the prosecution of any person for refusal to testify, false swearing, or perjury before the select committee in accordance with law.

**S8-6. Receipt of resignation; authority of the chair.** If, prior to resolution of the investigation, a written resignation signed by the senator who is the subject of the investigation has been received by the chair, the chair may terminate the meetings of the select committee.

**S8-7. Select committee report.** Any action to expel, censure, discipline, or exonerate a senator shall be proposed in a select committee report of the Select Committee on Discipline and Expulsion. If the select committee report calls for expulsion, censure, or discipline, the report shall set forth the causes and grounds for which expulsion, censure, or discipline is being recommended by the Senate, and it shall state the particular form of action recommended to the Senate. If the select committee report calls for exoneration, the report shall set forth the reasons why exoneration is appropriate.

**S8-8. Procedure in the Senate.** Adoption of a select committee report for the expulsion of a senator requires the favorable vote of a two-thirds majority of the elected members. Adoption of a select committee report for the censure or discipline of a senator requires the favorable vote of a three-fifths majority of the elected members. Adoption of a select committee report for the exoneration of a senator requires the favorable vote of a majority of the elected members.

## **HOUSE RULES**

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**CHAPTER 1. PRESIDING OFFICER****STATUTORY PROVISIONS****§ 2-5-3. Elective officers of house.**

*The elective officers of the House of Representatives shall be a speaker and a speaker pro tempore, who shall be members of that body, one chief clerk and such other officers as shall be necessary to properly conduct the business of the House of Representatives.*

**§ 2-5-3.1. Tie vote for organizing House of Representatives.**

*In the event that there is a tie vote for purposes of organizing the House of Representatives then, for the purposes of organization, the political party's candidate for speaker of the house, speaker pro tempore and clerk, then having a member of its party duly elected as the Governor of the state of South Dakota shall be deemed to be elected.*

**RULES**

**H1-1. Elective officers, employees.** The officers of the House of Representatives are a speaker, a speaker pro tempore, a chief clerk and such other officers necessary to conduct the business of the House, who shall be formally elected by a majority vote of the members-elect of the House. Employees necessary to conduct the business of the House shall be appointed and announced by the speaker.

**H1-2. Actions of the speaker pro tempore, other presiding officers.** The speaker pro tempore shall act as presiding officer of the House of Representatives if the speaker is absent or unable to serve. The acts of the speaker pro tempore have the same validity as those of the speaker. If the speaker and the speaker pro tempore are absent or unable to serve, any member called to the chair by the House of Representatives may serve as presiding officer. When in session, the presiding officer, in the absence of the pro tempore, may designate any member to perform the duties of the presiding officer, but the designation may not extend beyond an adjournment. The member's actions have the same validity as those of the speaker.

**H1-3. Votes by the speaker.** The speaker shall vote on all questions taken by yeas and nays and shall vote in any election or division called for by any member. The speaker may, by relinquishing the chair, assume all rights and privileges of a member of the House.

**H1-4. Hour of meeting.** The hour of meeting of the House of Representatives is 2:00 p.m. on each legislative day unless otherwise ordered by the House.

**H1-5. Seating assignments.** The speaker of the House shall, with the advice of the majority and minority leaders, make seating assignments for the floor of the House of Representatives.

## 1 CHAPTER 2. DECORUM

2 **H2-1. Repealed.**

3 **H2-2. Repealed.**

4 **H2-3. Repealed.**

## 5 CHAPTER 3. COMMITTEES

6 **H3-1. Appointment of standing committees.** The speaker of the House of Representatives  
7 shall, with advice from the minority leader, appoint the members of the following standing  
8 committees with the number of members as indicated after each committee and shall  
9 appoint the chair and vice chair of each committee:

- 10 1. Agriculture and Natural Resources (13)
- 11 2. Appropriations (9)
- 12 3. Commerce and Energy (13)
- 13 4. Education (15)
- 14 5. Government Operations and Audit (5)
- 15 6. Health and Human Services (13)
- 16 7. Judiciary (13)
- 17 8. Legislative Procedure (7)
- 18 9. Local Government (13)
- 19 10. Retirement Laws (5)
- 20 11. State Affairs (13)
- 21 12. Taxation (15)
- 22 13. Transportation (13)

23 In the absence of the committee chair, the vice chair shall act as chair. The speaker and  
24 speaker pro tempore are members of the legislative procedure committee, and the speaker  
25 shall serve as chair of the legislative procedure committee.

## 26 CHAPTER 4. RULES

27 **H4-1. Adoption, suspension, or amendment of House rules.** A motion to adopt rules of  
28 the House of Representatives shall be decided by a majority of the members-elect and is  
29 subject to debate. A motion to suspend or amend a rule of the House of Representatives  
30 shall be decided by a two-thirds majority of the members-elect and is subject to debate.

31 **H4-2. Proceedings governed by Mason's Manual.** *Mason's Manual of Legislative*  
32 *Procedure* governs the proceedings of the House of Representatives in all cases not covered  
33 by these rules or the Joint Rules.

34 **H4-3. Conflicting rules.** If the rules of the House of Representatives and the Joint Rules  
35 conflict, the rules of the House of Representatives govern.

**CHAPTER 5. VOTING PROCEDURE**

**H5-1. Electronic voting system.** The electronic voting system is under the control of the presiding officer and shall be operated at the presiding officer's direction by the chief clerk or the chief clerk's designee. The names of the members shall be listed on the electronic roll call board in alphabetical order, except the name of the speaker of the House, which shall be last.

**H5-2. Votes to be taken on the electronic system.** On any question requiring the "yeas" and "nays" to be entered upon the journal, the electronic voting system shall be used. On any such question, neither individual votes nor vote totals may be displayed to any person including the presiding officer until the time for voting has expired and the voting system has been locked. If the electronic voting system is not in operating order at the time to vote on any such question, the presiding officer shall order that all "yea" and "nay" votes be taken by calling the roll in alphabetical order, except the name of the speaker of the House, which shall be last.

**H5-3. Other votes.** On all other questions to be voted upon, except upon elections, the presiding officer may order the "yeas" and "nays" to be taken by the electronic voting system, voice vote, or standing vote. Upon demand of a member requesting a division before the result of a vote has been announced by the presiding officer, the "yeas" and "nays" shall be taken by the electronic voting system.

**H5-4. Electronic voting system malfunctions.** The vote of any member which has not been recorded because of malfunction of the electronic voting system shall be entered upon the journal, if the member was in the House chamber at the time of the vote and voted at the appropriate time, and the malfunction is reported to the presiding officer before the presiding officer's announcement of the result of the vote.

**H5-5. Voting procedures.** When the House is ready to vote upon any question using the electronic voting system, the presiding officer shall state: "The question is . . . (designating the matter to be voted upon). All in favor of such question shall vote 'yea', all opposed shall vote 'nay'." The presiding officer shall then direct the chief clerk to unlock the voting system and announce, "The House will now proceed to vote."

When, in the judgment of the presiding officer, reasonable time has been allowed all members present in the House to vote, the presiding officer shall ask the question: "Have all members present voted?" After a pause, the presiding officer shall direct the chief clerk to record those members who are "Absent" or "Excused" and to lock the voting system after late votes, if any, are recorded, and to display and record the individual and total votes. The presiding officer shall then announce the vote. The chief clerk shall enter upon the journal the result in the manner provided by the joint rules of the Legislature.

**H5-6. Changing votes.** Any member may change a vote after the vote recording equipment has started to operate if the member rises and, when recognized by the presiding officer, announces the change before the result of the vote has been announced by the presiding officer.

**H5-7. Voting records.** On any question requiring the "yeas" and "nays" to be entered upon the journal, the chief clerk shall retain one copy of the recorded vote on the electronic voting system and provide it for purposes of the daily journal.

**H5-8. Members to vote electronically from their desks, exceptions.** A member may vote on the electronic voting system only when at the member's desk. However, the presiding officer may authorize the chief clerk to call the names of members who are on the floor but not at their desks at the time of a vote and to record the votes of such members on the electronic voting system. If a member other than the speaker of the House is presiding, the chief clerk shall switch the voting system to allow the designated member presiding to vote in the presiding officer's station.

**H5-9. Voting by proxy prohibited.** No member may vote for another member; nor may any other person cast a vote for a member, except as otherwise provided in these rules. Any member who votes or attempts to vote for another member, or a person not a member who votes or attempts to vote for a member, is in contempt of the House and may be punished pursuant to law.

**H5-10. Tampering with electronic voting equipment prohibited.** Any member or other person who willfully tampers with or attempts to disarrange, deface, impair or destroy in any manner whatsoever the electronic voting equipment used by the House of Representatives, or who instigates, aids or abets with the intent to destroy or change the record of votes thereon, is in contempt of the House and may be punished pursuant to law.

**H5-11. Voting machine for session use only.** The electronic voting equipment may only be used when the House of Representatives is in session.

## **CHAPTER 6. DISCIPLINE AND EXPULSION OF MEMBERS**

**H6-1. Select Committee on Discipline and Expulsion.** Any two representatives may by written motion first delivered to the Speaker move for the establishment of a Select Committee on Discipline and Expulsion to investigate the conduct of any other representative. Upon being seconded, the motion is debatable, and passage of the motion requires a majority vote of the members-elect. The Select Committee on Discipline and Expulsion shall be composed of nine members of the House of Representatives. The chair and vice chair of the select committee shall be chosen by the Speaker of the House and may not both be members of the same political party. The other seven members of the select committee shall be chosen by the Speaker of the House in consultation with the majority leader and the minority leader. No more than five members may be of the same political party.

**H6-2. Meetings; notice; quorum; vote.** All meetings of the Select Committee on Discipline and Expulsion shall be held in the Capitol. A majority of the members of the committee constitutes a quorum. The affirmative vote of a majority of those present and voting, assuming a quorum, is required for actions of the committee.

All meetings of the Select Committee on Discipline and Expulsion are open meetings in like manner to any other House of Representatives committee meeting. All meetings shall be

1 webcast and archived in like manner to any other House of Representatives committee  
2 meeting.

3 All meetings of the Select Committee on Discipline and Expulsion shall be scheduled at  
4 times that are not in conflict with any other official House of Representatives business. All  
5 members of the House of Representatives have the right to be present during all of the select  
6 committee's meetings.

7 **H6-3. Oath.** Prior to consideration of any matter referred to it, except establishing a  
8 quorum, the members of the select committee shall subscribe to the following oath, which  
9 shall be administered by the Chief Clerk of the House of Representatives:

10 "I do solemnly swear (affirm) that in all things appertaining to the matter referred to this  
11 select committee, I will do impartial justice according to the Constitution, laws, Joint Rules,  
12 and House Rules of the State of South Dakota. I do solemnly swear that I will faithfully and  
13 impartially discharge and perform all the duties incumbent upon me as a member of the  
14 House Select Committee on Discipline and Expulsion in the aforesaid matter, according to  
15 the best of my ability and understanding, so help me God."

16 **H6-4. Procedure in committee.**

17 The Select Committee on Discipline and Expulsion shall:

18 (1) Conduct all hearings in like manner to any other House of Representatives  
19 committee meeting, and only after informing the member who is the subject of the  
20 hearing in writing of the date and time of each meeting held for the purpose;

21 (2) Invite the member who is the subject of the hearing to attend all meetings of the  
22 committee in person and to be accompanied by legal counsel, or to be represented at  
23 the hearings by legal counsel of the member's choice and at the member's own expense;

24 (3) Afford the member full opportunity to present the member's position, to present  
25 witnesses in support of the member's position, and extend the opportunity to confront  
26 and to question witnesses called by the committee;

27 (4) Advise the member immediately of the date and time of each meeting, in cases  
28 where the committee adjourns prior to completing its work and submitting its report to  
29 the House of Representatives.

30 If the House of Representatives is called into special session for the express purpose of  
31 investigating the conduct of a Representative, the member is deemed to have received  
32 constructive notice within the provisions of this rule.

33 **H6-5. Subpoena power; punishment for contempt.** The select committee is hereby  
34 specifically and expressly granted the power and authority, with the written approval of the  
35 chair of the committee, to hold hearings, subpoena witnesses, administer oaths, require the  
36 production of books and records, and to do all other things necessary to accomplish the  
37 purpose of its hearings and deliberations.

If a subpoena is not honored, the select committee also has the power to punish for contempt and to provide for the prosecution of any person for refusal to testify, false swearing, or perjury before the select committee in accordance with law.

**H6-6. Receipt of resignation; authority of the chair.** If, prior to resolution of the investigation, a written resignation signed by the representative who is the subject of the investigation has been received by the chair, the chair may terminate the meetings of the select committee.

**H6-7. Select committee report.** Any action to expel, censure, discipline, or exonerate a representative shall be proposed in a select committee report of the Select Committee on Discipline and Expulsion. If the select committee report calls for expulsion, censure, or discipline, the report shall set forth the causes and grounds for which expulsion, censure, or discipline is being recommended by the House of Representatives, and it shall state the particular form of action recommended to the House of Representatives. If the select committee report calls for exoneration, the report shall set forth the reasons why exoneration is appropriate.

**H6-8. Procedure in the House of Representatives.** Adoption of a select committee report for the expulsion of a representative requires the favorable vote of a two-thirds majority of the elected members. Adoption of a select committee report for the censure or discipline of a representative requires the favorable vote of a three-fifths majority of the elected members. Adoption of a select committee report for the exoneration of a representative requires the favorable vote of a majority of the elected members.

## CHAPTER 7. CONSENT CALENDAR

**H7-1. Consent calendar.** Notwithstanding Joint Rule 13-1, a bill requiring a two-thirds vote of the members-elect may not be voted on the House consent calendar. If such a bill is placed on the House consent calendar, the presiding officer shall order it removed and placed on the next legislative day's regular bill calendar.

**H7-2. Approval of consent calendar is final disposition.** Notwithstanding Joint Rule 13-4, after allowing a reasonable time for questions from the floor on the bills and resolutions on the consent calendar and after permitting the proponents to answer the questions, the Speaker of the House shall call for a vote on the consent calendar. Approval of the consent calendar by a majority of the members-elect of the House is considered final disposition of all the bills and resolutions on the consent calendar.

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**CHAPTER 1. PRESIDING OFFICER - ORDER AND DEBATE**

**CONSTITUTIONAL PROVISIONS**

*Art. III, Sec. 19. Signing of bills and resolutions.*

*THE PRESIDING OFFICER OF EACH HOUSE SHALL, IN THE PRESENCE OF THE HOUSE OVER WHICH HE PRESIDES, SIGN ALL BILLS AND JOINT RESOLUTIONS PASSED BY THE LEGISLATURE, AFTER THEIR TITLES HAVE BEEN PUBLICLY READ IMMEDIATELY BEFORE SIGNING, AND THE FACT OF SIGNING SHALL BE ENTERED UPON THE JOURNAL.*

**STATUTORY PROVISIONS**

*§ 2-4-9. Disturbance or disorderly conduct in Legislature as misdemeanor.*

*Every person who intentionally disturbs the Legislature of this state, or either of the branches composing it, while in session, or who commits any disorderly conduct in the immediate view and presence of either branch of the Legislature tending to interrupt its proceedings or impair the respect due to its authority, is guilty of a Class 2 misdemeanor.*

*The Senate or the House of Representatives may punish, as a contempt, by imprisonment, a breach of its privileges or the privileges of its members; but only for one or more of the following offenses:*

(2) *Disorderly conduct in the immediate view of the Senate or the House of Representatives, and directly tending to interrupt its proceedings;*

(4) Giving or offering a bribe to a member, or attempting, by menace or other corrupt means or device, directly or indirectly, to control or influence a member in giving his vote, or to prevent his giving the same;

***§ 2-7-22. Forfeiture of office on conviction of legislator--Disqualification from public office.***

*The conviction of a member of the Legislature of any crime defined in § 22-12A-17 or § 22-12A-18 involves as a consequence, in addition to the punishment prescribed therein, a forfeiture of his office and disqualifies him from ever thereafter holding any public office under this state.*

**1-1. Presiding officers.** The presiding officer of the Senate is the president and the presiding officer of the House of Representatives is the speaker. The presiding officer of each house shall take the chair on every legislative day at the hour to which that house adjourned at the last sitting.

**1-2. Order of business.** Each house shall begin each session as follows: call to order, prayer by the chaplain, pledge of allegiance, roll call, and determination of a quorum, then proceed with the daily order of business. A majority of the members present may demand that the journal for the preceding day be read.

**1-3. Questions of order.** The presiding officer of each house shall decide all questions of order, subject to a motion of appeal, by a majority of the members present. No member may speak more than once on an appeal without the consent of a majority of the members present.



1 **1-4. Recognition of members for remarks.** When a member desires to speak, that member  
2 shall respectfully address the presiding officer. When the presiding officer recognizes the  
3 member, that member is entitled to the floor. The member first to address the presiding  
4 officer shall speak first. If two or more members address the presiding officer at the same  
5 time, the presiding officer shall name the member who is to speak first.

6 **1-5. Time allowed for a member to speak.** Each member may speak on the pending  
7 subject before any member speaks twice. No member may speak more than twice nor longer  
8 than ten minutes on the same subject without the consent of a majority of the members  
9 present. However, a member may speak an additional twenty minutes if the time is yielded  
10 by individual members of the body. In computing the time allowed for argument, the time  
11 consumed in asking questions is considered. If a member consents to the question, the time  
12 consumed by the answer is taken out of the time allowed to the person asking the question.

13 **1-6. Questions on the floor.** If a member wishes to ask a question of another member, that  
14 member shall courteously do so through the presiding officer and with the consent of the  
15 member to whom the question is addressed. Any question addressed to a member shall  
16 relate to a question before the body and shall be concisely asked for the sole purpose of  
17 obtaining information. No question may reflect upon the character or conduct of any  
18 official, contain argument or debate, or inquire about the course a member proposes to  
19 follow.

20 **1-7. Call to order.** If a member is called to order, that member shall remain silent until the  
21 presiding officer determines whether the member is in order. The decision of the presiding  
22 officer is subject to a motion of appeal.

23 **1-8. Signing of documents by presiding officer.** The presiding officer of each house shall  
24 sign all concurrent resolutions and commemorations and all writs, warrants, and subpoenas  
25 issued by the house over which the officer presides.

26 **1-9. Those permitted to speak to the body.** No person other than a member of a house  
27 may speak upon any subject before the house unless a member makes a motion to allow  
28 another person to speak and the members present unanimously consent. However, the  
29 speaker of the House and the president pro tempore of the Senate may allow any person  
30 other than a member of the body to speak subject to advance notice to the majority and  
31 minority leaders. A motion objecting to the decision of the presiding officer shall require a  
32 majority vote of the members- elect.

33 **1-10. Dissent against an act or resolution.** Any two members of a house may dissent or  
34 protest in respectful language against any act or resolution which they think injurious to the  
35 public or to any individual and have the reason for their dissent or protest entered upon the  
36 journal. However, if an objection is made that the language of the dissent or protest is not  
37 respectful, a majority of the house may refer the dissent or protest back to the dissenting or  
38 protesting members for emendation.

39 **1-11. Repealed.**

**CHAPTER 1A. DECORUM**

**1A-1. Preservation of decorum.** The presiding officer of each house shall preserve order and decorum and, in the case of disturbance or disorderly conduct, may order the galleries or lobbies to be cleared.

**1A-2. Smoking prohibited.** Smoking is prohibited in all areas of the Capitol.

**1A-3. Alcoholic beverages prohibited.** No alcoholic beverage, beer, wine, or other beverage containing alcohol may be stored or consumed in any area of the Capitol that is under the control of the Legislature.

**1A-4. Sexual harassment prohibited.** All members are responsible for ensuring that the workplace is free from sexual harassment. All members shall avoid any action or conduct which could be viewed as sexual harassment. A member shall report any sexual harassment complaint to the presiding officer of the house to which the member belongs. If the situation is not resolved, the member shall forward the complaint to the Executive Board of the Legislative Research Council.

**1A-5. Discrimination prohibited.** The Legislature is an equal opportunity employer and provides equal access to facilities and services without regard to race, color, creed, religion, sex, disability, ancestry, or national origin.

**1A-6. Person with a disability may request assistance.** Individuals requesting assistance pursuant to the Americans with Disabilities Act must contact the Legislative Research Council at least forty-eight hours in advance of the needed assistance.

**1A-7. Use of chambers for campaign photographs.** Legislators and candidates for the Legislature may use the chambers for campaign photographs; however, no changes may be made to the arrangement of either chamber.

**1A-8. Items distributed to the members' desks.** Before any person may distribute an item to the members' desks on the floor of the Senate or the House of Representatives, that person must obtain the approval of the secretary of the Senate or the chief clerk of the House, subject to the review of the speaker of the House and the president pro tempore of the Senate, respectively. Any item distributed to the members' desks on the chamber floor must clearly bear the name of the item originator.

**1A-9. Cellular telephones prohibited.** Cellular telephones may not be used in either chamber or gallery while the Legislature is in session.

**1A-10. Presiding Officer's power to maintain order.** The presiding officer may have any member temporarily removed in order to preserve order and decorum.

**1A-11. Repealed.**

1                                   **CHAPTER 1B. LEGISLATIVE CODE OF CONDUCT**

2   **1B-1. Maintenance of ethical standards.** The people of South Dakota require that their  
3 legislators maintain the highest of moral and ethical standards as such standards are  
4 essential to assure the trust, respect and confidence of our citizens. Legislators have a  
5 solemn responsibility to avoid improper behavior and refrain from conduct that is  
6 unbecoming to the Legislature or that is inconsistent with the Legislature's ability to  
7 maintain the respect and trust of the people it serves. While it is not possible to write rules to  
8 cover every circumstance, each legislator must do everything in his or her power to deal  
9 honorably with the public and with his or her colleagues and must promote an atmosphere in  
10 which ethical behavior is readily recognized as a priority and is practiced continually,  
11 without fail.

12 **1B-2. Compliance with specified requirements.** Each legislator will comply with all  
13 Constitutional and statutory requirements regarding conflicts of interest. Legislators will  
14 timely file all required disclosure statements including Statements of Organization,  
15 Campaign Finance Reports and Statements of Financial Interest. Legislators must also avoid  
16 any conflict of interest which would interfere with their duties and responsibilities as  
17 legislators, interfere with the exercise of their best judgment in support of the State of South  
18 Dakota or create an improper personal benefit.

19 **1B-3. Professional conduct and civility.** The South Dakota Legislature will strengthen and  
20 sustain an atmosphere of professional conduct and civility among its members and with all  
21 staff and will not tolerate harassment or offensive behavior based on race, color, religion,  
22 national origin, gender, age, or disability. Legislators must refrain from any and all such  
23 harassment or offensive conduct. This prohibition against harassment also encompasses  
24 sexual harassment including unwelcome sexual advances, requests for sexual favors, and  
25 other verbal, non-verbal, or physical conduct of a sexually harassing nature, when: (1)  
26 submission to the harassment is made either explicitly or implicitly a term or condition of  
27 employment or other employment determinations, or (2) the harassment has the purpose or  
28 effect of unreasonably interfering with an individual's work performance or creates an  
29 intimidating, hostile, or offensive working environment.

30 **1B-4. Action in event of violation.** Failure to observe the highest standards of public  
31 conduct will subject a legislator to appropriate action, pursuant to the rules of the Chamber  
32 and Mason's Manual of Legislative Procedure.

33                                   **CHAPTER 2. MEETINGS, QUORUMS, AND ATTENDANCE**

34                                   **CONSTITUTIONAL PROVISIONS**

35 *Art. III, Sec. 7. Convening of annual sessions.*

36 *THE LEGISLATURE SHALL MEET AT THE SEAT OF GOVERNMENT ON THE SECOND*  
37 *TUESDAY OF JANUARY AT 12 O'CLOCK M. AND AT NO OTHER TIME EXCEPT AS*  
38 *PROVIDED BY THIS CONSTITUTION.*

1 *Art. III, Sec. 14. Elections viva voce.*

2 *IN ALL ELECTIONS TO BE MADE BY THE LEGISLATURE THE MEMBERS THEREOF*  
3 *SHALL VOTE VIVA VOCE AND THEIR VOTES SHALL BE ENTERED IN THE JOURNAL.*

4 *Art. III, Sec. 15. Open legislative sessions - Exception.*

5 *THE SESSIONS OF EACH HOUSE AND OF THE COMMITTEE OF THE WHOLE SHALL*  
6 *BE OPEN, UNLESS WHEN THE BUSINESS IS SUCH AS OUGHT TO BE KEPT SECRET.*

7 *Art. III, Sec. 16. Adjournment of legislative houses.*

8 *NEITHER HOUSE SHALL WITHOUT THE CONSENT OF THE OTHER ADJOURN FOR*  
9 *MORE THAN THREE DAYS, NOR TO ANY OTHER PLACE THAN THAT IN WHICH THE*  
10 *TWO HOUSES SHALL BE SITTING.*

11 *Art. III, Sec. 9, Par. 2. Quorum.*

12 *A MAJORITY OF THE MEMBERS OF EACH HOUSE SHALL CONSTITUTE A QUORUM,*  
13 *BUT A SMALLER NUMBER MAY ADJOURN FROM DAY TO DAY, AND MAY COMPEL*  
14 *THE ATTENDANCE OF ABSENT MEMBERS IN SUCH A MANNER AND UNDER SUCH*  
15 *PENALTY AS EACH HOUSE MAY PROVIDE.*

16 **RULES**

17 **2-1. Those permitted on the floor during session.** In addition to current legislators, only  
18 the following persons are entitled to the floor of the House of Representatives or Senate  
19 during sessions: justices of the Supreme Court or persons who are or have been Governor,  
20 Lieutenant Governor, or members of the Congress of the United States from South Dakota;  
21 former members of the South Dakota Legislature, except those currently serving in any  
22 elective state or local office other than Governor or Lieutenant Governor; current legislative  
23 employees; and news reporters. However, these persons may not be on the floor if acting in  
24 a manner to influence legislation. No other person may be admitted to the floor without  
25 consent of the presiding officer.

26 **2-2. Call of the house.** One-sixth of the members-elect of either house may compel the  
27 attendance of absent members by ordering a call of the house of which they are members,  
28 but a call of the house may not be made after voting commences.

29 **2-3. Procedure after a call of the house.** When a call of the house is ordered, the doors  
30 shall be closed and the absentees noted. No member may leave the room until permission is  
31 given by the presiding officer, the sergeant at arms' report is received and acted upon, or the  
32 house is adjourned. Until the sergeant at arms' report is received, proceedings under the call  
33 may not be suspended except by two-thirds of the members present.

34 **2-4. Access to chamber and lobbies.** Except as otherwise provided in Joint Rule 2-1, no  
35 person, except current legislators and legislative employees, may enter either chamber or  
36 space reserved for members of the Legislature adjacent to either chamber at any time during

1 a session or for the period of three hours preceding a session except upon invitation of a  
2 member of the chamber. However, under no circumstances may a lobbyist enter either  
3 chamber or reserved space for a period of three hours preceding a session or one hour after  
4 adjournment of the chamber.

## 5 CHAPTER 3. LEGISLATIVE EMPLOYEES

### 6 CONSTITUTIONAL PROVISIONS

7 *Art. III, Sec. 9, Par. 3. Rules of proceedings--Officers and employees.*

8 *EACH HOUSE SHALL DETERMINE THE RULES OF ITS PROCEEDINGS, SHALL*  
9 *CHOOSE ITS OWN OFFICERS AND EMPLOYEES AND FIX THE PAY THEREOF,*  
10 *EXCEPT AS OTHERWISE PROVIDED IN THIS CONSTITUTION.*

### 11 STATUTORY PROVISIONS

12 *§ 2-5-2. Elective officers of Senate.*

13 *The elective officers of the Senate shall be a president pro tempore of the Senate, who shall*  
14 *be a member of that body, one secretary and such other officers as shall be necessary to*  
15 *properly conduct the business of the senate.*

16 *§ 2-5-3. Elective officers of house.*

17 *The elective officers of the House of Representatives shall be a speaker and a speaker pro*  
18 *tempore, who shall be members of that body, one chief clerk and such other officers as shall*  
19 *be necessary to properly conduct the business of the House of Representatives.*

20 *§ 2-5-5. Appointment of legislative employees by presiding officers.*

21 *The speaker of the House of Representatives shall appoint employees necessary to properly*  
22 *conduct the business of the House and the president pro tempore of the Senate shall appoint*  
23 *employees necessary to properly conduct the business of the Senate.*

24 *§ 2-5-8. Determination of amount of compensation of legislative employees.*

25 *All elective and appointed officers and employees of the Senate and House of*  
26 *Representatives designated in §§ 2-5-2, 2-5-3, and 2-5-5 shall receive compensation*  
27 *determined and agreed upon by a joint select committee of both houses.*

### 28 RULES

29 **3-1. Appointment of legislative employees.** The president pro tempore of the Senate shall  
30 appoint all necessary employees for the Senate. The speaker of the House of Representatives  
31 shall appoint all necessary employees of the House. All employee positions shall be  
32 described in a uniform compensation and classification manual which shall be annually  
33 reviewed by the Executive Board of the Legislative Research Council and approved by the  
34 Joint Select Committee on Compensation.

**3-2. Duties of the secretary of the Senate and chief clerk of the House.** The secretary of the Senate and chief clerk of the House of Representatives are responsible to the president pro tempore of the Senate or the speaker of the House, respectively. Their duties are:

(1) To supervise the keeping of a daily journal, the engrossing and enrolling, and the handling of bills and resolutions;

(2) To assist the calendar committee in the preparation of a daily calendar listing motions and resolutions, committee reports to be introduced, and bills and joint resolutions ready for second reading, and to assist the calendar committee in preparation of a daily consent calendar;

(3) To sign the certificate of origin of all bills passed by the Legislature;

(4) To attest the signature of the presiding officer to all bills, memorials, resolutions, commemorations, writs, warrants, and subpoenas issued by the house;

(5) To deliver to the secretary of state at the close of each session the journals and all books, bills, documents, resolutions, and papers in possession of the Legislature;

(6) To preserve one true copy of each printed bill, joint resolution, and concurrent resolution of each legislative session; to attach the copy together with a signed certificate that it is a true and complete copy of each printed bill, joint resolution, and concurrent resolution of the legislative session; and to file such certified copies with the secretary of state within ten days after adjournment of the Legislature; and

(7) To perform all other acts appertaining to the office as may be required by the house or its presiding officer.

**3-3. Office of Engrossing and Enrolling.** The Legislative Research Council shall perform all engrossing and enrolling duties. In addition, each house may hire secretaries necessary to conduct the business of the standing committees. Any secretary appointed to a committee is responsible to the committee chair. In each house, a secretary is provided to the minority party.

**3-4. Engrossing and enrolling.** The engrossing and enrolling duties of the Legislative Research Council are:

(1) To engross and enroll all bills delivered to them;

(2) To provide and supervise secretarial assistance to legislators as requested;

(3) To collect from the secretaries of all standing and special committees the minutes of such committees and retain them in the Legislative Research Council Library; and

(4) To correct clerical errors, with the consent of the secretary of the Senate or chief clerk of the House of Representatives, in any bill originating in the house by which they are employed. Clerical errors which may be corrected are: errors in spelling, errors

in numbering sections, errors of omission or commission due to addition or deletion of material, and errors due to copying incorrectly from the most recent statute. The secretary of the Senate and the chief clerk of the House shall inform the principal sponsor of all such corrections.

**3-5. Chaplains.** The chief chaplain shall schedule a chaplain to serve in each house for each legislative day. The duty of the chaplain of each house is to open each day's session with a prayer.

**3-6. Disputes or complaints involving a legislative session employee.** Any dispute or complaint involving the competency or decorum of a legislative session employee, including any violation of SDCL 2-12, shall be referred to the president pro tempore of the Senate or the speaker of the House. The officer may dismiss, suspend, or otherwise discipline the employee.

**3-7. Sexual harassment prohibited.** All employees are responsible for ensuring that the workplace is free from sexual harassment. All employees shall avoid any action or conduct which could be viewed as sexual harassment. An employee shall report any sexual harassment complaint to the president pro tempore of the Senate, speaker of the House or any supervisor. If the situation is not resolved, the employee shall forward the complaint to the Executive Board of the Legislative Research Council.

## CHAPTER 4. ORDER OF BUSINESS

**4-1. Daily order of business.** After call to order, the daily order of business shall be as follows:

- (1) Prayer by the chaplain and pledge of allegiance;
- (2) Roll call and determination of a quorum;
- (3) Approval of the journal;
- (4) Communications and petitions;
- (5) Reports of standing committees;
- (6) Reports of select committees;
- (7) Messages from the other house;
- (8) Motions and resolutions;
- (9) Consideration of committee reports;
- (10) Introduction, first reading and reference of bills and joint resolutions originating in the house;
- (11) First reading and reference of bills and joint resolutions originating in the other house;
- (12) Second reading of consent calendar bills and resolutions;
- (13) Second reading of bills and joint resolutions originating in the house;
- (14) Second reading of bills and joint resolutions originating in the other house;
- (15) Announcements.

To revert to an old order of business or to pass to a new order of business requires a majority vote of the members present. Any message or communication from the Governor or other state officer may be received at any time.

**4-2. Special orders.** Any bill, resolution, memorial or other subject matter may be made a special order for some subsequent time by a majority vote of the members present.

**4-3. Order of bills and resolutions.** Each bill and resolution up for consideration under any order of business shall be listed and taken up in the order in which it is listed on the daily calendar unless otherwise ordered by a majority of the members present.

## CHAPTER 5. MOTIONS

**5-1. Entertainment of motions.** No motion may be entertained and debated until it is seconded. Following the second of a debatable motion, the presiding officer shall first recognize the member making the motion.

**5-2. Restatement and reading of motions.** When a motion is made and seconded, it shall be restated by the presiding officer, and, if requested by the presiding officer or a member, shall be displayed electronically or reduced to writing and read aloud.

**5-2.1. Provision of copies of motions.** If a motion to amend is displayed electronically or offered in writing or if each member of the body has been given a copy of the motion, the reading of that motion is automatically waived.

**5-2.2. Withdrawal of motions.** After a motion is stated by the presiding officer, it may not be withdrawn without unanimous consent of the members present.

**5-3. Priority of motions.** When a question is under debate, no motion may be made except the following motions which have precedence in the order listed:

- (1) To adjourn;
- (2) To recess;
- (3) To call the house;
- (4) To lay on the table;
- (5) To call the previous question;
- (6) To defer indefinitely;
- (7) To defer to a day certain;
- (8) To refer to committee;
- (9) To amend.

**5-4. Priority of motion for adjournment.** A motion for adjournment is always in order, unless the roll is being called or the previous question has been ordered, and shall be decided without debate.

**5-5. Application and nondebatability of motions to lay on the table.** A motion to lay on the table which effects a disposition on the merits of any bill or resolution requires the vote of a majority of the members-elect to carry and shall be decided without debate. Any other motion to lay on the table requires the vote of a majority of the members present and shall be decided without debate. No member may make introductory remarks prior to making a motion to lay on the table.



1 **5-5.1. Scope of motions to lay on the table.** A motion to lay on the table may be made so  
2 as to apply either to the main question or to a proposed amendment or to the bill and all  
3 pending amendments, and the motion shall clearly state to which it is intended to apply.

4 **5-5.2. Motion to take from the table.** Whenever any bill or resolution is laid on the table,  
5 it requires a majority vote of the members-elect to take it from the table. The motion to take  
6 from the table is debatable.

7 **5-5.3. Scope of motion to defer to day certain beyond sine die.** The rules pertaining to  
8 motions to table and to defer to a day certain beyond sine die shall be the same except that a  
9 motion to defer to a day certain beyond sine die is debatable.

10 **5-6. Motion to call the previous question.** A motion for the previous question shall be  
11 decided immediately by a majority of the members present and without debate. The motion  
12 shall clearly indicate the question to which it applies. No member may make introductory  
13 remarks prior to making a motion to call the previous question. The effect of adopting a  
14 motion to call the previous question is to close debate, to prevent the moving of  
15 amendments or other subsidiary motions, and to bring to vote immediately the question to  
16 be voted upon. The effect of defeating a motion to call the previous question is to allow  
17 continuation of debate on the question before the house.

18 **5-7. Priority of vote after call of the previous question.** After a motion to call the  
19 previous question has prevailed, it is not in order to move a call of the house or to move to  
20 adjourn, prior to a decision of the question before the house.

21 **5-8. Dilatory motions to defer or refer.** If a motion to defer to a day certain, to defer  
22 indefinitely or to refer to committee is decided in the negative, such motion is not again in  
23 order at the same stage of consideration of the bill or proposition.

24 **5-8.1. Motion to postpone as final action.** A motion to defer indefinitely or to a date  
25 beyond the sine die adjournment of the Legislature requires the vote of a majority of the  
26 members-elect.

27 **5-9. Division of the question.** Any member may call for a division of the question. The  
28 presiding officer shall divide the question if it contains questions so distinct that, one being  
29 taken away, the rest may stand as a separate proposition.

30 **5-10. Motions to strike the enacting clause.** A motion to strike the enacting clause of a  
31 bill has precedence to a motion to amend, and if carried, is equivalent to the rejection of the  
32 bill.

33 **5-11. Notice of intention to reconsider.** Notice of intention to move for reconsideration  
34 shall be made before the body proceeds to the next item of business. If any member fails to  
35 give notice of intention to reconsider, the vote on a question shall be deemed to have been  
36 moved for reconsideration and such motion for reconsideration to have been laid on the  
37 table.

**5-11.1 Motions to reconsider.** Having given notice of intent to reconsider, the member giving notice may move to reconsider the question not later than the next legislative day, except as provided in Joint Rule 5-13. Any motion to reconsider shall be made under order of business No. 8, except as provided in Joint Rule 5-13, and takes precedence over all other motions except to recess or to adjourn. No motion to reconsider the same question may be made twice in the same house without unanimous consent. Every motion to reconsider shall be decided by a majority vote of the members-elect on a roll call vote. No question may be reconsidered except the final disposition of bills and joint resolutions and the override of vetoes. No motion to lay on the table is subject to reconsideration.

**5-12. Failure to make timely motion for reconsideration.** If any member has given notice of intent to move for reconsideration and does not move for reconsideration before the stated deadline, the presiding officer shall immediately state that any member may move for reconsideration.

**5-13. Motion for reconsideration during final legislative days.** During the seven final legislative days, any member who has given notice of intent to move for reconsideration shall make such motion at a time prior to the conclusion of business on the legislative day that the question sought to be reconsidered was acted upon. Such motion may be made at any time prior to adjournment.

**5-13.1. Immediate consideration of emergency measures.** If the affirmative vote for a bill containing an emergency clause is less than two-thirds but more than one-half of the members-elect, the vote shall be immediately reconsidered.

**5-14. Germaneness of amendments.** No motion to amend a bill is in order unless it is germane to the subject as expressed in the title of the bill.

**5-15. Order of questions.** All questions, other than privileged questions as listed in Joint Rule 5-3, shall be put in the order they are moved.

**5-16. Limitations on number of motions to amend and substitute motions.** When a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment is in order. It is also in order to offer a further amendment as a substitute, but such substitute is not subject to amendment.

**5-17. Motion to delay action on amendments.** Final action upon any amendment to a bill or resolution may not be heard until one legislative day has intervened, if a request for delay is made and is supported by at least one-fifth of the members. However, no such request is in order during the last fourteen days of the session. This rule cannot be invoked more than two times on the same bill in each house.

**5-17.1. Motion to delay action on amendments is nondebatable.** No member invoking Joint Rule 5-17 may speak to the merits of the amendment or make any other introductory remarks.

1                   **CHAPTER 6. BILLS, RESOLUTIONS, AND COMMEMORATIONS**

2           **A. FORM OF BILLS--DEFINITIONS OF RESOLUTIONS--GENERAL**  
3           **PROVISIONS**

4                               **CONSTITUTIONAL PROVISIONS**

5    *Art. III, Sec. 21. One subject expressed in title.*

6    *NO LAW SHALL EMBRACE MORE THAN ONE SUBJECT, WHICH SHALL BE*  
7    *EXPRESSED IN ITS TITLE.*

8    *Art. XII, Sec. 2. Contents of general appropriation bill--Separate appropriation bills.*

9    *THE GENERAL APPROPRIATION BILL SHALL EMBRACE NOTHING BUT*  
10   *APPROPRIATIONS FOR ORDINARY EXPENSES OF THE EXECUTIVE, LEGISLATIVE,*  
11   *AND JUDICIAL DEPARTMENTS OF THE STATE, THE CURRENT EXPENSES OF*  
12   *STATE INSTITUTIONS, INTEREST ON THE PUBLIC DEBT, AND FOR COMMON*  
13   *SCHOOLS. ALL OTHER APPROPRIATIONS SHALL BE MADE BY SEPARATE BILLS,*  
14   *EACH EMBRACING BUT ONE OBJECT, AND SHALL REQUIRE A TWO-THIRDS VOTE*  
15   *OF ALL THE MEMBERS OF EACH BRANCH OF THE LEGISLATURE.*

16   *Art. III, Sec. 18. Enacting clause--Assent by majority--Recording of votes.*

17   *THE ENACTING CLAUSE OF A LAW SHALL BE: "BE IT ENACTED BY THE*  
18   *LEGISLATURE OF THE STATE OF SOUTH DAKOTA" AND NO LAW SHALL BE*  
19   *PASSED UNLESS BY ASSENT OF A MAJORITY OF ALL THE MEMBERS ELECTED TO*  
20   *EACH HOUSE OF THE LEGISLATURE. AND THE QUESTION UPON THE FINAL*  
21   *PASSAGE SHALL BE TAKEN UPON ITS LAST READING, AND THE YEAS AND NAYS*  
22   *SHALL BE ENTERED UPON THE JOURNAL.*

23                               **STATUTORY PROVISIONS**

24    **§ 22-12A-18. Fraudulent alteration of bill after passage as felony.**

25    *Any person who fraudulently alters a bill which has been passed by the Legislature of this*  
26    *state, with intent to have it approved by the Governor, certified by the secretary of state, or*  
27    *printed or published by the printer of the statutes, in language different from that in which it*  
28    *was passed by the Legislature, is guilty of a Class 6 felony.*

29                               **RULES**

30    **6A-1. Legislative documents.** Only bills and the following may be introduced in the  
31    Legislature:

32           (1) A House or Senate resolution, which shall pertain to the affairs of one house only  
33           and require action only by the legislative chamber concerned. A House or Senate  
34           resolution may be used to express an opinion or principle of one house, to express an

opinion to or request of the other house, to regulate procedure, or to refer the subject matter of bills to the Legislative Research Council;

(2) A concurrent resolution, which shall express opinions and principles of the Legislature not having the force of law. A concurrent resolution may be used to authorize interim studies, joint rules, sessions or committees, to memorialize or instruct a department of state government, or to petition federal agencies;

(3) A joint resolution, which shall contain matters of legislation only. A joint resolution may be used to refer a matter for referendum to the people, to place a constitutional amendment on the ballot at the next general election, to ratify proposed amendments to the United States Constitution, or to grant a water right pursuant to § 46-5-20.1;

(4) A House or Senate resolution of disapproval as provided under Article IV, Section 8, of the South Dakota Constitution; and

(5) A legislative commemoration, which shall express recognition of service or achievements of national or statewide importance or express sorrow over death or loss.

**6A-2. Format of bills and joint resolutions.** If a bill amends an existing statute, the new matter shall be underscored and the omitted matter shall be overstricken. If an entire title, chapter, section, subdivision, or subsection is to be repealed, only the code citation need be listed.

**6A-3. Format of joint resolutions.** If a joint resolution amends an existing provision of the Constitution, the omitted matter shall be overstricken and the new matter shall be underscored. A joint resolution shall contain sufficient introductory wording to give reasonable notice of the effect of the proposed amendment.

**6A-4. Bills at the request of the Governor, executive agencies, and the Chief Justice.** A bill introduced at the request of the Governor, Chief Justice of the Supreme Court, a department, board, commission, or any other agency of state government, shall indicate in the title at whose request such bill is being introduced.

**6A-5. Review of bills by the Legislative Research Council.** Before a bill, resolution, or commemorative may be introduced, it shall be reviewed by the Legislative Research Council for style and form. No bill or joint resolution may be submitted to the Legislative Research Council for review less than forty-eight hours of the final introduction date for bills or joint resolutions as provided in Joint Rule Chapter 17.

**6A-6. Title of repealed law.** A bill introduced for the sole purpose of repealing an existing law shall include in its title the general subject to which the law relates.

**6A-7. Placement of emergency clause.** Any bill containing an emergency clause shall have the emergency clause added at the end of the bill.

**6A-8. Title and sponsors placed on bills and resolutions.** Before a bill or resolution is introduced, its title and the name or names of the member, members, or committee introducing the bill or resolution shall be printed on it.

## **B. INTRODUCTION AND SPONSORSHIP**

### **STATUTORY PROVISIONS**

#### **§ 2-7-4. Prefiling of bills and resolutions with Legislative Research Council--Rules for handling.**

*Any person who has been duly elected or appointed to serve during a regular session of the Legislature may file bills and resolutions with the State Legislative Research Council at any time within thirty days prior to the convening of such regular session. Notwithstanding the provisions of § 2-7-6.1, any interim committee of the Legislative Research Council may file bills and resolutions under the provisions of this section. The Executive Board of the State Legislative Research Council shall prescribe rules for the handling and placing in proper form of such bills and resolutions, subject to the provisions of §§ 2-7-4 to 2-7-6, inclusive.*

#### **§ 2-7-5. Numbering, printing and disposition of prefiled bills--Date of introduction.**

*The director of the Legislative Research Council shall, within the confines of such rules, receive such bills and resolutions, place them in proper form, assign them numbers for introduction in the proper house, and deliver copies to the printing contractor for pre-session printing. The director shall deliver the original and one copy of each bill and resolution to the secretary of the Senate or the chief clerk of the House of Representatives, as the case may be, on the day when the session convenes. However, the director may not deliver any prefiled bill or resolution until every sponsor of such bill or resolution has been duly sworn into office.*

*Upon prefiling, such bills and resolutions become the property of the Legislature and may not thereafter be withdrawn. Prefiled bills and resolutions shall be considered as introduced on the day of their delivery to each house.*

#### **§ 2-7-6.1. Committee introduction of bills and resolutions.**

*No bill or joint resolution may be introduced in either house of the Legislature by any committee thereof, except:*

*(1) A bill or a joint resolution introduced by any standing committee of either house;*

*(2) A bill or joint resolution referred to the Legislature from an interim committee of the State Legislative Research Council;*

*(3) A bill or joint resolution introduced at the request of the interim Rules Review Committee, interim Government Operations and Audit Committee, the interim Retirement Laws Committee, the interim Joint Bonding Review Committee, and the*

*interim State-Tribal Relations Committee by one or more committee members upon majority vote of the interim committee; or*

*(4) A bill or joint resolution introduced at the request of the Governor, an executive agency or of the chief justice of the Supreme Court.*

*The committee shall obtain a written request for such introduction from either the council, the Governor, department head of an executive agency, a constitutional officer or board, or the chief justice and shall retain such request in its file. Committee bills introduced on behalf of a department head of an executive agency, a constitutional officer or board may be introduced by the chairman without a vote of the committee for purposes of prefiling. Nothing in this section prohibits one or more legislators from introduction of a bill or a joint resolution.*

## RULES

**6B-1. Time for introduction of bills, number of copies for introduction, bills are property of Legislature.** Any member or committee desiring to introduce a bill or resolution shall file two copies of the bill or resolution with the bill clerk at least two hours prior to the opening of the daily session. Any bill or resolution filed with the bill clerk and duly numbered becomes the property of the Legislature and may not thereafter be withdrawn.

**6B-2. Numbering of bills and resolutions.** Bills shall be numbered consecutively as introduced, beginning with No. 1 for Senate bills and with No. 1001 for House bills. Resolutions shall be numbered consecutively as introduced, beginning with No. 1001 for House resolutions and with No. 1 for Senate resolutions.

**6B-3. Limit on number of bills that may be introduced.** No legislator may introduce as prime sponsor more than three individual bills or joint resolutions during the last three days for bill introduction prescribed by Joint Rule Chapter 17.

**6B-4. Sponsorship of bills and resolutions.** Any bill, joint resolution, or concurrent resolution may be introduced by any member or members of the house of origin. Any member or members of the other house may join the member or members of the house of origin in introducing the bill or resolution.

**6B-5. Bill introduction by standing committees.** Before a bill or joint resolution can be introduced by a standing committee pursuant to § 2-7-6.1, the bill or resolution shall have received an affirmative vote of a majority of the members of a standing committee at one of its regular meetings with a statement of such fact on a separate slip attached to the cover of the bill and signed by the chair of the committee.

**6B-6. Pre-filing of agency bills.** No bill or resolution introduced at the request of a department, board, commission, or any other agency of state government, except bills or resolutions introduced at the request of the Governor or Chief Justice, may be considered by the Legislature unless such bill or resolution is pre-filed with the director of the Legislative

1 Research Council at least forty-eight hours before the opening of a legislative session and  
2 available for introduction on the first legislative day.

3 **6B-7. Disposition of copies of bills when introduced.** An original and one copy of each  
4 bill or resolution introduced shall be disposed of as follows:

5 (1) The original, which shall have endorsed thereon the word "Original," shall be  
6 retained by the house of origin; and

7 (2) The copy shall be delivered to the prime sponsor.

## 8 **C. FISCAL NOTES AND ACTUARIAL STATEMENTS**

### 9 **RULES**

10 **6C-1. Bills and resolutions that require fiscal notes.** Any bill or resolution prefiled or  
11 introduced which has an effect on the revenues, expenditures, or fiscal liability of the state  
12 shall include a fiscal note incorporating an estimate of such effect. This rule does not apply  
13 to the cost of legislative processing or appropriation measures carrying specific dollar  
14 amounts.

15 **6C-1.1. Request for fiscal note by any member.** A fiscal note may be requested by any  
16 member if supported by one-fifth of the members of the house in which the bill or resolution  
17 is to be considered, at the time of the second reading, if the bill or resolution has an effect on  
18 the revenues, expenditures, or fiscal liability of the state. However, the request shall not  
19 extend final consideration of the bill over two days beyond the last day for passage from the  
20 house of origin.

21 **6C-2. Legislative Research Council to prepare fiscal notes.** If the presiding officer  
22 determines a bill or resolution requires a fiscal note at the time of introduction, the presiding  
23 officer shall request the Director of the Legislative Research Council to prepare the fiscal  
24 note, in consultation with the Bureau of Finance and Management. The Director of the  
25 Legislative Research Council shall prepare a fiscal note for prefiled bills or resolutions.

26 **6C-3. Deferral of bills without fiscal note.** The original copy of a bill or resolution for  
27 which a fiscal note has been requested shall be stamped by the bill clerk with the initials  
28 "F.N." before referral to committee. If such bill or resolution is reported back to the house  
29 without a fiscal note, the presiding officer shall defer placing the bill or resolution on the  
30 calendar until the requested fiscal note is received, unless in the presiding officer's opinion a  
31 fiscal note is no longer required.

32 **6C-4. Committees may request fiscal note.** If the presiding officer has not requested a  
33 fiscal note on a bill or resolution having a fiscal effect, the committee, or its chair,  
34 considering the bill or resolution may request a fiscal note. The committee may request an  
35 amended fiscal note if a bill or resolution is amended.

36 **6C-5. Attaching fiscal note to bill.** If a fiscal note is available, it shall be attached by the  
37 Office of Engrossing and Enrolling at the end of the original copy of the bill or resolution.

**6C-6. Local government fiscal notes.** In addition, if requested by the presiding officer or any legislator, a bill or resolution which has an effect on the revenues, expenditures, or fiscal liability of any political subdivision of the state shall have attached a fiscal note, prepared by the Director of the Legislative Research Council, in consultation with the Bureau of Finance and Management.

**6C-7. Retirement system actuarial statement.** Each bill introduced affecting the benefits payable by the state or a local government retirement system shall have an actuarial statement requested by the sponsor and attached to the bill. The actuarial statement shall be requested from the governing board of the retirement system affected and the statement shall identify the costs of the proposed change in the law as stated by the actuary for the affected retirement plan. If there is a doubt as to the need for an actuarial statement, the presiding officer shall make the final decision. After the bill is introduced, the Chief of Enrolling and Engrossing shall attach the actuarial statement to the original bill.

#### **D. FIRST READING AND REFERRAL**

#### **CONSTITUTIONAL PROVISIONS**

*Art. III, Sec. 17. Reading of bills.*

*EVERY BILL SHALL BE READ TWICE, BY NUMBER AND TITLE ONCE WHEN INTRODUCED, AND ONCE UPON FINAL PASSAGE, BUT ONE READING AT LENGTH MAY BE DEMANDED AT ANY TIME BEFORE FINAL PASSAGE.*

#### **RULES**

**6D-1. Referral of bills and resolutions to standing committees.** Unless otherwise ordered, all bills and joint resolutions, except the general appropriations bill, shall be referred to a standing committee after their first reading. The presiding officer may waive the referral to standing committee of concurrent resolutions. Copies of all concurrent resolutions shall be distributed to each member before being acted upon.

**6D-2. Referral of resolutions of disapproval.** Any resolution of disapproval shall be referred to a committee unless ordered to be placed directly on the calendar by a majority vote of the members present.

#### **E. AMENDMENTS AND SUBSTITUTE BILLS**

#### **CONSTITUTIONAL PROVISIONS**

*Art. XXIII, Sec. 1. Amendments.*

*AMENDMENTS TO THIS CONSTITUTION MAY BE PROPOSED . . . BY A MAJORITY VOTE OF ALL MEMBERS OF EACH HOUSE OF THE LEGISLATURE.*



**RULES**

**6E-1. Amendments to be germane to bill.** No amendment to a bill or joint resolution may embrace more than one subject, which shall be expressed in the title of the bill.

**6E-2. Hoghouse amendments.** Any substitute bill shall be treated as an amendment and shall be governed by the rules governing amendments.

**6E-3. Message required when one house amends bill or resolution of other house.** Whenever a bill or joint resolution is passed in one house and amended and passed in the other, a message to the house of origin shall indicate that the bill or resolution has been amended.

**F. SECOND READING**

**6F-1. No second reading until engrossment.** No bill or resolution amended after introduction may be read the second time until it is correctly engrossed.

**6F-2. Second reading at least one day after committee report.** No bill or joint resolution may have its second reading or receive final passage until at least one legislative day after it has been reported to the house by the committee to which the same has been referred and such report has been read to the house.

**6F-3. Action on committee reports.** No report of any standing committee or select committee may be acted upon until at least one legislative day after it has been read to the body, except the report of the committee on legislative procedure, or the reports of standing committees requesting referral to another standing committee of a bill or resolution which may be acted upon immediately. However, during the last three days of the session, reports of conference committees may be acted upon the same day as reported.

**6F-4. Placement of unamended bills and resolutions on calendar.** If any committee makes a report that a bill or resolution "Do Pass" without proposing any amendment thereto, the bill or resolution shall be placed upon the calendar for second reading on the next legislative day.

**6F-5. Placement of amended bills and resolutions on calendar.** If any standing committee returns a bill or resolution to the house with the recommendation that the bill or resolution do pass with proposed amendments, the report shall be received, read and entered upon the journal. The committee report shall be placed on the calendar for adoption the following legislative day and the bill shall be placed on the calendar for floor action on the legislative day following the adoption of the committee report. On the final day for the committee to act upon a bill, the report may be placed directly on the calendar for floor action. A report recommending the passage of a bill or resolution with proposed amendments is not subject to change or amendment.

**6F-6. Placement of bills and resolutions not receiving a "Do Pass" recommendation on the calendar.** Any bill or resolution reported "Do Not Pass" or "without recommendation" shall fail if no motion is made for its disposition under the order of business of

1 Consideration of Committee Reports on the next legislative day after delivery to the house.  
2 On the final day to use Joint Rule 7-7, a motion must be made before adjournment on that  
3 day. A motion to place a bill or resolution on the calendar where a committee reports a bill  
4 or resolution "Do Not Pass" or "without recommendation" shall require the vote of a  
5 majority of the members-elect to carry. A bill or resolution failing to be placed on the  
6 calendar is lost after time for reconsideration has passed.

## 7 **G. PRINTING, ENGROSSING, AND ENROLLING**

### 8 **STATUTORY PROVISIONS**

#### 9 ***§ 2-7-13. Selection of printing process and contractor for bills and resolutions.***

10 *The Bureau of Administration, in consultation with the Legislative Research Council, shall,*  
11 *before the commencement of any session of the Legislature, determine whether the house*  
12 *and senate bills and joint resolutions of the legislative session will be printed by a private*  
13 *contractor, and select the printing process to be used, or whether the documents will be*  
14 *prepared by the use of a duplicating process.*

#### 15 ***§ 2-7-14. Time allowed for printing of bills and resolutions.***

16 *The contractor for printing of the house and senate bills and joint resolutions of any kind*  
17 *shall deliver them, completed, to the Legislature within two days after receiving the copy.*

#### 18 ***§ 2-7-15.1. Fees for copies of bills and journals--Mailing fees--Disposition.***

19 *The Executive Board of the Legislative Research Council is authorized to recover up to one-*  
20 *half of the printing costs of legislative bills and journals by establishing uniform fees for the*  
21 *distribution of legislative printed materials, to public agencies, lobbyists and individuals.*  
22 *Fees for estimated mailing costs may also be charged for mailing printed materials. Fees*  
23 *collected may be deposited in a special fund within the state treasury, the proceeds of which*  
24 *shall be used to pay for printing and postage costs, or transferred to the state general fund.*

#### 25 ***§ 22-12A-17. Fraudulent alteration of bill or resolution as felony.***

26 *Any person who fraudulently alters the draft of any bill or resolution which has been*  
27 *presented to either house of the Legislature to be passed or adopted, with intent to procure*  
28 *it to be passed or adopted by either house, or certified by the presiding officer of either*  
29 *house, in language different from that intended by such house, is guilty of a Class 6 felony.*

#### 30 ***§ 2-7-17. Certification and filing of printed bills and resolutions--Judicial notice.***

31 *It shall be the duty of the secretary of the Senate and chief clerk of the House of*  
32 *Representatives to preserve one true copy of each printed bill, of each printed joint*  
33 *resolution, and of each printed concurrent resolution of each session of the Legislature; and*  
34 *to attach same together, to attach thereto, their signed certificate that they are true and*  
35 *complete copies of all the printed bills, joint resolutions, and concurrent resolutions of the*

1 *certain session of the Legislature, and to file said copies so certified in the Office of the*  
2 *Secretary of State within ten days after adjournment of the session.*

3 *All copies so certified and filed shall be subject to judicial notice in all courts of record.*

4 **§ 2-7-18. Engrossment of bills and amendments.**

5 *All bills, in either house of the Legislature, which have been favorably acted upon,*  
6 *preparatory to going upon the calendar shall be engrossed if amendments have been made*  
7 *thereto. Amendments to any bill made by either Senate or House of Representatives, after*  
8 *engrossment, shall likewise be engrossed.*

9 **§ 2-7-19. Enrollment of bill after passage by both houses.**

10 *A bill which has passed both houses of the Legislature shall at once be enrolled by the house*  
11 *in which it originated.*

12 **§ 2-7-20. Presentation of bill to Governor--Filing with secretary of state--Photocopy to**  
13 **code counsel.**

14 *The original copy of each enrolled bill shall be signed by the president of the Senate,*  
15 *secretary of the Senate, speaker of the House of Representatives, and chief clerk of the*  
16 *House of Representatives and presented to the Governor. If the Governor approves the bill,*  
17 *the Governor shall sign and transmit it to the secretary of state who shall deliver a*  
18 *photocopy of the signature page to the code counsel to be used in preparing copy for session*  
19 *laws. The secretary of state shall provide a permanent form of binder for the original*  
20 *enrolled bills and the bills vetoed with the veto message attached. The secretary of state*  
21 *shall also provide the code counsel with a photocopy of the signature page of each vetoed*  
22 *bill and veto message.*

23 **RULES**

24 **6G-1. Determination of procedures.** The committees on legislative procedure shall jointly  
25 determine uniform procedures for the printing, engrossing and enrolling of bills and joint  
26 resolutions.

27 **6G-2. Reprinting of bills and joint resolutions.** If a bill is amended, the amendment shall  
28 be engrossed on the bill before the bill advances to the next stage of the legislative process.  
29 The engrossed bill shall become the original bill.

30 **6G-3. (Reserved).**

31 **6G-4. Printing without consent.** Each house may print bills, messages, and reports without  
32 the consent of the other.

33 **6G-5. Engrossing of bills and joint resolutions.** All bills or joint resolutions in either  
34 house of the Legislature, which have been favorably acted upon and amendments have been  
35 made thereto, before going upon the calendar shall be engrossed. Amendments to any bill or

1 joint resolution, made by either house after engrossment, shall likewise be engrossed upon  
2 the original bill or joint resolution.

3 **6G-6. Report to committee on legislative procedure.** The chief of the office of  
4 engrossing and enrolling shall examine all amended bills and joint resolutions.

5 **6G-7. Enrolling of bills and joint resolutions.** A bill which has passed both branches of  
6 the Legislature shall be at once enrolled. An enrolled bill or joint resolution shall be free  
7 from erasures, marks and interlineations, and each sheet thereof shall be initialed by the  
8 chief of engrossing and enrolling and numbered for identification. The cover of the bill or  
9 joint resolution shall indicate the house of origin.

10 **6G-8. Review and signing of bills and joint resolutions.** The committee on legislative  
11 procedure and the chief of engrossing and enrolling shall compare enrolled with engrossed  
12 bills and joint resolutions as passed by both houses and make a report thereon to the house  
13 of origin. If a bill or joint resolution is reported by the committee as correctly enrolled, it  
14 shall be presented to the presiding officers of both houses for their signatures.

15 **6G-9. Presentation of bills and joint resolutions to Governor.** After a bill or joint  
16 resolution is signed by the officers of both houses, the chairmen of the committees on  
17 legislative procedure shall jointly cause such bill to be presented to the Governor for the  
18 Governor's signature and such joint resolution to the secretary of state for filing. The  
19 committees shall, at any time, report such presentations to both houses.

## 20 **H. COMMEMORATIONS**

21 **6H-1. Introduction of commemorations.** Any member may introduce a legislative  
22 commemoration, which may be cosponsored by other members of either house, by filing it  
23 with the bill clerk of that member's house. The prime sponsor shall submit all necessary  
24 information to the legislative research council prior to introduction. However, no member  
25 may introduce a legislative commemoration during the last three legislative days of the  
26 session.

27 **6H-2. Numbering of commemorations.** Each legislative commemoration shall be  
28 numbered consecutively as introduced beginning with No. 1 for the Senate and No. 1001 for  
29 the House of Representatives.

30 **6H-3. Printing and calendaring of commemorations.** Upon introduction, the presiding  
31 officer shall order the legislative commemoration printed in the journal of that legislative  
32 day. Subsequently the presiding officer shall place each pending legislative commemoration  
33 along with a notation of the page upon which it is printed in the journal on the calendar of  
34 the next legislative day following its printing.

35 **6H-4. Approval of commemorations in the house of origin.** Any member of the body  
36 may object to the approval of any legislative commemoration by so stating on the floor of  
37 the body at any time before adjournment on the legislative day upon which the legislative  
38 commemoration is calendared. If no such objection is made, the legislative commemoration

shall be deemed approved and the presiding officer shall deliver it to the other house. If there is objection, the legislative commemoration shall be deemed disapproved.

**6H-5. Calendaring of commemorations in the second house.** Upon receipt of a legislative commemoration from the other house, the presiding officer shall place it on the next day's legislative calendar along with a notation of the page upon which it is printed in the journal.

**6H-6. Approval of commemorations in the second house.** Any member of the receiving body may object to the approval of any legislative commemoration by so stating on the floor of the body at any time before adjournment on the legislative day upon which the legislative commemoration is calendared. If no such objection is made, the legislative commemoration shall be deemed approved and the presiding officer shall deliver it to the house of origin. If there is objection, the legislative commemoration shall be deemed disapproved.

**6H-7. Enrollment of commemorations.** The secretary of the Senate or the chief clerk of the House of Representatives shall deliver the original enrolled legislative commemoration to the prime sponsor.

## **I. COMPUTERIZED INFORMATION SYSTEM**

**6I-1. Bill Status.** The bill status, created by the computerized information system, is the official record of action to the bill.

## **CHAPTER 7. COMMITTEES**

### **STATUTORY PROVISIONS**

#### ***§ 2-6-1. Administration of oaths by committee member.***

*Any member of the Senate or House of Representatives, while acting as a member of any committee thereof, shall have authority to administer oaths to such persons as shall be examined before such committee.*

#### ***§ 2-6-2. Composition and appointment of Government Operations and Audit Committee--Duties and reports--Assistance.***

*There shall be appointed at each regular session of the Legislature a Government Operations and Audit committee of ten, consisting of five members of the Senate appointed by the president pro tempore of the Senate, one of whom shall be a member of the Judiciary Committee, and five members of the House of Representatives appointed by the speaker of the House, one of whom shall be a member of the Judiciary Committee, for the purpose of inquiry and review of any phase of the operations and the fiscal affairs of any department, institution, board, or agency of the state, to review any findings of abuse or neglect in a juvenile corrections facility, to make a continuing study of the operation of the state's correctional system, and to make a detailed report to the Senate and House of Representatives and submit a copy of its report to the appropriation committee of each*

1 *house of the Legislature at the next succeeding session of the Legislature or any special*  
2 *session of the Legislature upon request of the body.*

3 *The Department of Legislative Audit shall provide assistance, including clerical help, to the*  
4 *committee upon request.*

5 ***§ 2-6-4. Investigative powers of Government Operations and Audit Committee.***

6 *The Government Operations and Audit Committee may examine all records and vouchers,*  
7 *summon witnesses, and thoroughly examine all expenditures and the general management of*  
8 *each department.*

9 ***§ 2-6-5. Disobedience of legislative summons as misdemeanor.***

10 *Any person who is summoned to attend as a witness before either house of the Legislature*  
11 *or any committee thereof authorized to summon or subpoena witnesses, and who refuses or*  
12 *neglects without lawful excuse to attend pursuant to the summons or subpoena, is guilty of a*  
13 *Class 2 misdemeanor.*

14 ***§ 2-6-6. Refusal to testify or produce evidence before Legislature as misdemeanor.***

15 *Any person who, being present before either house of the Legislature or any committee*  
16 *thereof authorized to summon witnesses, willfully refuses to be sworn or affirmed, or to*  
17 *answer any material and proper question, or to produce upon reasonable notice any*  
18 *material or proper books, papers, or documents in his possession or under his control, is*  
19 *guilty of a Class 2 misdemeanor.*

20 ***§ 2-6-7. Forfeiture of office by legislator in violation--Disqualification from public office.***

21 *The conviction of a member of the Legislature of any crime defined in § 2-6-5 or 2-6-6*  
22 *involves as a consequence, in addition to the punishment prescribed therein, a forfeiture of*  
23 *his office and disqualifies him from ever thereafter holding any public office under this*  
24 *state.*

25 ***§ 2-6-8. Retirement laws study committee created--Purpose.***

26 *There is hereby created the South Dakota Retirement Laws Committee to make a continuing*  
27 *study of the pension and annuity and benefit laws relating to employees and officers in*  
28 *public service.*

29 ***§ 2-6-9. Appointment and terms of Retirement Laws Committee members--Political***  
30 ***affiliations.***

31 *The Retirement Laws Committee shall consist of five members of the House of*  
32 *Representatives to be appointed by the speaker of the House of Representatives and five*  
33 *members of the Senate to be appointed by the president pro tempore of the Senate. The*  
34 *members of the Retirement Laws Committee shall be appointed biennially for terms expiring*  
35 *on January first of each succeeding odd-numbered year and shall serve until their*

1 *respective successors are appointed and qualified. No more than three from each legislative*  
2 *body may be from the same political party.*

3 **§ 2-6-10. Officers of Retirement Laws Committee--Staff assistance.**

4 *The Retirement Laws Committee shall select a chairman and vice-chairman and shall be*  
5 *provided with staff assistance from the Legislative Research Council staff.*

6 **§ 2-6-11. Study of retirement laws by committee--Emphasis.**

7 *The Retirement Laws Committee shall continue the study of the retirement and pension laws*  
8 *applicable to employees and officers in government service throughout the state and shall*  
9 *appraise and evaluate existing laws relating to retirement and pension. It shall give*  
10 *particular study and consideration to the financial affairs of the retirement funds and shall*  
11 *recommend revisions in financial provisions and methods of amortizing the accrued*  
12 *liabilities of such funds without impairment of any of the rights and equities of participants*  
13 *and beneficiaries but in conformity with sound and established principles of financing*  
14 *retirement fund obligations.*

15 **§ 2-6-12. Legislative drafts and recommendations by Retirement Laws Committee--**  
16 **Reports--Review of proposals.**

17 *The Retirement Laws Committee shall present legislative drafts to effect sound and*  
18 *equitable public employees retirement programs. The Retirement Laws Committee shall*  
19 *study and make recommendations concerning the extension of retirement coverage to public*  
20 *employees to whom retirement protection has not been accorded. The Retirement Laws*  
21 *Committee shall from time to time report to the Legislature which report shall include but*  
22 *not be limited to the financial soundness of the system. The Retirement Laws Committee*  
23 *shall review all proposed legislation that affects public employee retirement in the state and*  
24 *shall make its report to the Legislature. During the legislative session, however, the*  
25 *standing committees established to review retirement laws legislation shall review proposed*  
26 *legislation that affects public employee retirement.*

27 **§ 2-6-14. Joint Bonding Review Committee established--Agencies subject to review by**  
28 **joint committee.**

29 *An interim joint bonding committee, established pursuant to the rules of the Legislature,*  
30 *shall review the operations, programs, accomplishments and financial status of the South*  
31 *Dakota Housing Development Authority, the South Dakota Health and Educational*  
32 *Facilities Authority, the South Dakota Building Authority, the South Dakota Conservancy*  
33 *District, the South Dakota Railroad Authority, and any other agency, board or commission*  
34 *authorized to conduct statewide programs in the State of South Dakota and to issue bond*  
35 *and note indebtedness.*

36 **§ 2-6-15. Reports by bonding entities to joint committee--Contents--Other assistance.**

37 *Each of the entities shall submit to the joint committee a complete and detailed report no*  
38 *later than December first of each year, setting forth:*

- (1) *Its operations and accomplishments;*
- (2) *Its receipts and expenditures during its fiscal year for its operating and capital outlay purposes;*
- (3) *Its assets and liabilities at the end of its fiscal year;*
- (4) *A schedule of its notes and bonds outstanding at the end of its fiscal year, together with a statement of the amounts redeemed and incurred during such fiscal year; and*
- (5) *Information relating to the selection, evaluation and compensation of its professional service providers.*

*Each of the entities shall assist the joint committee in a continuous review of programs and projected plans for the entities.*

**§ 2-6-16. Reports to joint committee on particular issues of bonds or notes--Contents.**

*For each issuance of bonds or notes of any such entity, there shall be provided to the joint committee a report of the details of the issuance, including a citation to the resolution providing for the issuance of the bonds and notes, the use of the proceeds of such issuance, the maturity date or dates of the bonds or notes, the interest rate or rates of the bonds or notes, the anticipated source of revenue from which the bonds or notes are to be repaid, and the rating, if any, given by a standard rating service on the bonds or notes.*

**§ 2-6-17. Detailed accounting to committee on underlying security and investments.**

*The joint committee may request at any time a detailed accounting of the security underlying outstanding bonds or notes, the ability to make timely repayment of bonds or notes, or the investments of such entity.*

**§ 2-6-18. Agency explanation to committee of programs and operations.**

*The joint committee may at any time require the governing board, or its designee, of any such entity to appear before it to provide detailed explanations of the public purpose underlying any of its programs or detailed explanations of any of its operations or activities.*

**§ 2-6-19. Water Development Oversight Committee created--Purpose.**

*There is hereby created the Legislative Water Development Oversight Committee. The committee shall consist of four legislators, one each appointed by the majority and minority leaders of the Senate and one each appointed by the majority and minority leaders of the House of Representatives. The committee shall monitor the meetings and actions of the Board of Water and Natural Resources and the Water Management Board. The secretary of the Department of Environment and Natural Resources shall cooperate with the members of the committee and assist them in carrying out their responsibilities. The secretary of the Department of Environment and Natural Resources shall inform the members of the committee of the time and place of all meetings of the Board of Water and Natural Resources and Water Management Board and shall forward to the members of the committee copies of all materials sent to the members of those boards.*



1 *The committee shall select a chairperson from among its members and shall from time to*  
2 *time report to the Executive Board of the Legislative Research Council on its activities.*  
3 *Members of the committee shall receive compensation as would any member of an interim*  
4 *legislative committee authorized by the Executive Board of the Legislative Research Council*  
5 *under chapter 2-9.*

## 6 **RULES**

7 **7-1. Committee procedure--Relaxed debate.** The rules of procedure in a committee are  
8 the same as the rules of the body insofar as the rules are applicable to committee procedure.  
9 However, as conditions permit, the rules limiting debate may be relaxed to allow free  
10 discussion and to facilitate the work of the committee. Discussion and debate may be  
11 permitted by the chair on an amendment that has not been moved.

12 **7-1.1. Subcommittees.** The president pro tempore of the Senate, speaker of the House or a  
13 chair of a standing committee may designate subcommittees, the number of members to  
14 serve on each subcommittee, the chair of each subcommittee, the members of the  
15 subcommittee, and the period of time the subcommittee shall serve.

16 **7-1.2. Committee action on bills and resolutions.** Unless otherwise ordered under Joint  
17 Rule 6D-1, all bills or resolutions shall be referred to one of the standing committees. The  
18 chair of a standing committee may then assign a bill or resolution to a subcommittee of that  
19 standing committee. All subcommittees shall return such bills or resolutions as are assigned  
20 to them for consideration, to the standing committee with or without recommendation and  
21 within the time which will permit the full standing committee to act upon the bill or  
22 resolution.

23 **7-1.3. Meetings open to public.** Subject to Article III, Section 15 of the Constitution, all  
24 committee or subcommittee meetings shall be open to the public.

25 **7-1.4. Posting of agendas.** Agendas of the bills, resolutions, and other proposals to be  
26 considered at any meeting of a standing committee or subcommittee shall be posted on the  
27 bulletin board of the respective house. At least one legislative day shall intervene between  
28 the date of posting and the date of consideration. An agenda must be posted by 5 p.m. in  
29 order to allow for an intervening legislative day. However, if a day of legislative recess  
30 intervenes between the date of posting and the date of consideration, the requirement of  
31 posting is fulfilled only if posting is made prior to adjournment of the session of the  
32 particular house on the day before the legislative recess.

33 **7-1.5. Consideration of matters not posted.** A two-thirds majority of the committee  
34 members present may bring a matter up for consideration at any time.

35 **7-1.6. Formal action required on all legislative proposals.** Standing committees shall  
36 take formal action regarding each legislative proposal submitted for their consideration.

37 **7-1.7. Vote requirement.** Final disposition on a bill or resolution requires a majority vote  
38 of the committee members-elect taken by roll call.

**7-1.8. Final disposition.** Final disposition is any action which moves a bill out of a committee to the floor of a house or to another committee or which removes it from further consideration by the committee. Examples of final disposition include "Do Pass," "Do Pass, Amended," "Refer to Another Committee," "Lay on the Table," and "Defer to a Day Certain Beyond the End of the Session."

**7-1.9. Attachment of amendments to bills or resolutions reported unfavorably.** Unless a bill has been ordered to be delivered pursuant to Joint Rule 7-7, a committee may amend a bill or resolution that it reports "Do Not Pass" or "Without Recommendation."

**7-1.10. Amendment of a previously tabled bill.** If a bill is removed from the table and amended so that it requires a title amendment, the title must be amended and then the bill reported for a new hearing pursuant to Joint Rule 7-1.4, unless placed by Joint Rule 7-1.5.

**7-2. Committee reports.** Each committee shall report final committee actions on legislative proposals. The chair of a committee shall sign the reports of the committee and present them to the body when the call for committee reports is made. The chair is responsible for the accuracy and propriety of the chair's statements and shall answer any questions pertaining to the report. This rule does not prohibit the committees on legislative procedure from reporting at any time. Formal actions shall be reported to the body not later than the next legislative day in an informational committee report which is printed in the daily journal.

**7-3. Reports of select committees.** Select committees to which matters are referred shall in all cases report a statement of facts and their opinion on the matters to the body.

**7-4. Dissenting reports.** If the members of a committee cannot agree on its report, the majority and minority may each make a report. Any member dissenting in whole or in part from the reasoning and conclusions of both majority and minority may also present a statement of the member's reasoning and conclusions. All reports must be decorous in language and respectful to the house and shall be entered in the journal.

**7-5. Filing of committee minutes.** The minutes of all standing committees shall be prepared and filed on a computerized legislative information system. Computer terminals shall be available in the Presidents' and Speakers' lobbies of the capitol.

**7-6. Contents of committee minutes.** Minutes of standing committees filed pursuant to Joint Rule 7-5 shall contain the number of each proposal considered; the title or a brief summary of each proposal's major provisions; the committee's action, if any, on each proposal, including a brief minority report if requested by any committee member; a record of how each committee member voted when action was taken, including votes on motions to postpone consideration of proposals; and a list of all persons testifying before the committee on each proposal and the interest they represent. Minutes of budget hearings conducted by an appropriations committee may contain a synopsis of testimony received. Minutes shall be open to the public for inspection.

**7-7. Demand for delivery of bill or resolution to house --"Smoke-out."** Each house may by motion order its committee to deliver a bill or resolution under its consideration to that

1 house. If the motion is supported by the vote of one-third or more of the members-elect, the  
2 committee shall, not later than the next legislative day, deliver the bill or resolution to the  
3 house with or without recommendation. The bill or resolution shall be delivered to the house  
4 in the same form as it was when it was tabled or deferred to a nonexistent day by the  
5 committee.

6 **7-8. Placement of "smoked-out" bill or resolution on calendar.** If a bill or resolution is  
7 delivered to the House of Representatives or Senate pursuant to Joint Rule 7-7 on the last  
8 day for passage and it was not reported "Do Pass," the bill or resolution may, by motion  
9 approved by a majority of the members-elect of the House of Representatives or Senate, be  
10 placed on that day's calendar.

11 **7-9. Calendar committee.** The calendar committee in the Senate consists of the President  
12 Pro Tempore, the Senate Majority Leader, and the Senate Minority Leader. The calendar  
13 committee in the House consists of the Speaker of the House, the House Majority Leader,  
14 and the House Minority Leader. The committee shall determine the daily legislative  
15 calendar.

16 **7-10. Co-chairs of joint committees.** Chairs of standing committees operating and voting  
17 as joint committees shall serve as co-chairs of the joint committees.

18 **7-11. Introduction of general appropriation bill.** The general appropriation bill shall be  
19 introduced by the Senate Committee on Appropriations in even-numbered years and by the  
20 House Committee on Appropriations in odd-numbered years. The general appropriation bill  
21 shall be introduced no later than the sixteenth legislative day.

22 **7-12. Structure of appropriations committee.** The Senate and House Committees may  
23 meet in joint session or form combined subcommittees to hear agency budget presentations.  
24 All Joint Appropriations Committee action on the general appropriations bill shall be  
25 approved by a majority vote of the Joint Committee unless a member calls for a separate  
26 vote of the House Appropriations Committee and the Senate Appropriations Committee in  
27 which case a majority vote of each committee is required for adoption. Such action shall  
28 constitute the committee report of the house of origin on the general appropriation bill.

29 **7-13. Entertainment of motions.** No motion may be debated until it is seconded.  
30 Following the second of a debatable motion, the chair shall first recognize the member  
31 making the motion. No member of the House of Representatives may make introductory  
32 remarks prior to making a motion.

33 **7-14. Restatement and reading of motions.** When a motion is made and seconded, it shall  
34 be restated by the chair.

35 **7-15. Withdrawal of motions.** After a motion is stated by the chair, it may not be  
36 withdrawn without consent of the members who made and seconded the motion.

37 **7-16. Motions.** When a question is under debate, no motion may be made except the  
38 following motions:

- 1 (1) Adjourn;
- 2 (2) Recess;
- 3 (3) Call the previous question;
- 4 (4) Lay on the table;
- 5 (5) Defer to a day certain beyond the end of the session;
- 6 (6) Do pass;
- 7 (7) Do pass, amended;
- 8 (8) Do not pass;
- 9 (9) Without recommendation;
- 10 (10) Defer to a day certain;
- 11 (11) Refer to another committee;
- 12 (12) Amend;
- 13 (13) Appoint a subcommittee.

14 **7-17. Application and nondebatability of motions to lay on the table.** A motion to lay on  
15 the table which effects a disposition on the merits of any bill or resolution requires the vote  
16 of a majority of the committee members-elect to carry and shall be decided without debate.  
17 No other motion may be made until the members have voted on the motion to lay on the  
18 table. Any other motion to lay on the table requires the vote of a majority of the committee  
19 members present and shall be decided without debate. No committee member may make  
20 introductory remarks prior to making a motion to lay on the table.

21 **7-18. Scope of motions to lay on the table.** A motion to lay on the table may be made so  
22 as to apply either to the main question or to a proposed amendment or to the bill and all  
23 pending amendments, and the motion shall clearly state to which it is intended to apply.

24 **7-19. Motion to take from the table or to reconsider the bill.** Whenever any bill or  
25 resolution is laid on the table or deferred to a day certain beyond sine die, it requires a  
26 majority vote of the committee members-elect to take it from the table or to reconsider the  
27 bill or resolution which was deferred. The motion to take from the table or to reconsider is  
28 debatable.

29 **7-20. Scope of motion to defer to day certain beyond sine die.** The rules pertaining to  
30 motions to table and to defer to a day certain beyond sine die shall be the same except that a  
31 motion to defer to a day certain beyond sine die is debatable. A member of the Senate may  
32 make introductory remarks prior to making a motion to defer to a day certain beyond sine  
33 die.

34 **7-21. Motion to call the previous question.** A motion for the previous question shall be  
35 decided immediately by a majority of the committee members present and without debate.  
36 The motion shall clearly indicate the question to which it applies. No committee member  
37 may make introductory remarks prior to making a motion to call the previous question. The  
38 effect of adopting a motion to call the previous question is to close debate, to prevent the  
39 moving of amendments or other subsidiary motions, and to bring to vote immediately the  
40 question to be voted upon. The effect of defeating a motion to call the previous question is  
41 to allow continuation of debate on the question before the committee.

1 **7-22. Priority of vote after call of the previous question.** After a motion to call the  
2 previous question has prevailed, it is not in order to move to adjourn, prior to a decision of  
3 the question before the committee.

4 **7-23. Dilatory motions to defer or refer.** If a motion to defer to a day certain, to defer  
5 indefinitely or to refer to another committee is decided in the negative, such motion is not  
6 again in order at the same stage of consideration of the bill or proposition.

7 **7-24. Motion to postpone as final action.** A motion to defer indefinitely or to a date  
8 beyond the sine die adjournment of the Legislature requires the vote of a majority of the  
9 committee members-elect.

10 **7-25. Germaneness of amendments.** No motion to amend a bill is in order unless it is  
11 germane to the subject as expressed in the title of the bill.

12 **7-26. Limitations on number of motions to amend and substitute motions.** When a  
13 motion or proposition is under consideration, a motion to amend and a motion to amend that  
14 amendment is in order. It is also in order to offer a further amendment as a substitute, but  
15 such substitute is not subject to amendment.

16 **7-27. Division of the question.** Any member may call for a division of the question. The  
17 chair shall divide the question if it contains questions so distinct that, one being taken away,  
18 the rest may stand as a separate proposition.

19 **7-28. Committee procedure -- Remote electronic testimony.** During any regular or  
20 special session of the Legislature, a committee may, upon the unanimous consent of the  
21 members present, permit a person to appear from a remote site and give testimony before  
22 the committee by electronic audio/video means.

## 23 **CHAPTER 8. CONFERENCE COMMITTEES**

24 **8-1. Appointment and composition of conference committees.** In every case of  
25 disagreement between the two houses, if either house requests a conference and appoints a  
26 committee for that purpose, the other house shall appoint a committee to confer with a like  
27 committee of the other house upon the subject of the disagreement, and to report back to its  
28 house of appointment. Each conference committee shall consist of three members of each  
29 house. The members from the House of Representative shall be appointed by the speaker of  
30 the House and the members from the Senate shall be appointed by the president pro tempore  
31 of the Senate. Insofar as possible, members appointed to conference committees shall be  
32 representative of the decision within the house upon the issue under consideration.

33 **8-2. Conference committee meetings, committee reports, and reports must be**  
34 **germane.** Conference committees shall meet in open session, and minutes shall be taken  
35 and prepared in a like manner as provided for in Joint Rule 7-6. The presiding officer of the  
36 house of origin shall announce to that body the time and location of each conference  
37 committee meeting. The co-chairs of each conference committee shall report the results of  
38 each meeting to the body in a conference committee report jointly signed by both. The  
39 conference committee report must be germane to the title of the bill as submitted to the

conference committee. The adoption of any conference committee report constituting final disposition must be approved by the recorded affirmative vote of at least two members from each house.

**8-3. Final disposition of report and distribution of reports.** Adoption of a conference committee report recommending passage of a bill or adoption of a resolution constitutes final disposition. The vote required to concur in the amendments of the other House or to adopt a conference committee report shall be the same as that required for final passage of the bill or resolution taking such bill or resolution as a whole. Before the final vote on the adoption of a conference committee report may be taken, any member of the body may require that the report be distributed in written form to the members of the body.

**8-4. Member may move to not appoint a subsequent conference committee--Final disposition.** However, if a conference committee report is not adopted, any member may move not to appoint a new conference committee. If that motion prevails it constitutes final disposition of that bill or resolution.

## CHAPTER 9. COMMITTEE OF THE WHOLE

**9-1. Designation of committee of the whole chair.** If either house sits as a committee of the whole, the presiding officer shall name one of the members as chair, who shall be vested with all the authority of the presiding officer of the house concerned while the committee of the whole is in session.

**9-2. Rules of the committee of the whole.** The rules observed by the house concerned shall govern as far as practicable, except that:

- (1) The yeas and nays may not be called;
- (2) The previous question may not be enforced; and
- (3) The time of speaking may not be limited.

**9-3. Adjournment of the committee of the whole.** A motion that the committee rise is always in order and shall be decided without debate.

## CHAPTER 10. JOURNAL

### CONSTITUTIONAL PROVISIONS

**Article III, § 13. Legislative journals--Recording of yeas and nays.**

*EACH HOUSE SHALL KEEP A JOURNAL OF ITS PROCEEDINGS AND PUBLISH THE SAME FROM TIME TO TIME, EXCEPT SUCH PARTS AS REQUIRE SECRECY, AND THE YEAS AND NAYS OF MEMBERS ON ANY QUESTION SHALL BE TAKEN AT THE DESIRE OF ONE-SIXTH OF THOSE PRESENT AND ENTERED UPON THE JOURNAL.*

**STATUTORY PROVISIONS****§ 2-7-7. Officers to keep legislative journals--Custody and disposition of bills and documents.**

*It shall be the duty of the secretary of the Senate and chief clerk of the House of Representatives to keep correct journals of the proceedings of the senate and house, respectively; to have the custody of all records, accounts, and other papers committed to them and at the close of each session of the Legislature to deposit for safekeeping in the Office of the Secretary of State all books, bills, documents, resolutions, and papers in the possession of the Legislature, correctly labeled, folded, and classified, and generally to perform such duties as shall be assigned them by the senate or house, respectively; provided, such journals shall be deposited within forty days after the adjournment of the Legislature.*

**§ 2-7-8. Time of delivery of daily legislative journals--Penalty for delay--Waiver.**

*The contractor for printing and binding of the journals of the Legislature shall deliver the daily journals to the Legislature at least two hours before the convening of the Legislature on the following legislative day and, if he fails to do so, he is subject to a penalty of ten dollars per hour for each hour's delay to be deducted from any sum due him on the contract, or recovered from his performance bond in the event such deduction from contract cannot be made. The director of the Legislative Research Council may waive the penalty provisions of this section if failure to deliver the daily journals as required is due to circumstances which the director considers to be sufficiently extenuating.*

**§ 2-7-10. Permanent journals as official record of proceedings**

*The corrected daily copies of the journal of the Senate and House of Representatives, together with the index thereof, shall constitute, and be the official permanent record of the legislative proceedings.*

**§ 2-7-11. Time of delivery of permanent journals--Distribution and price.**

*The contractor for printing the journal indexes of the Legislature shall deliver them to the Legislative Research Council within ninety days after copy therefor has been furnished. The Legislative Research Council shall provide for the distribution of the journals. Price and distribution of the journal indexes shall be determined by a joint-select committee of the Legislature.*

**§ 2-7-12. Certified copies of journals as prima facie evidence of proceedings.**

*Duly certified copies of such journals shall be received in all courts of the state as original evidence, and the volumes wherein the same are published by authority of the state, shall be prima facie evidence of such proceedings.*

## RULES

**10-1. Daily journal.** A journal of each house shall be made available daily and laid upon the desks of the members and officers the following morning. The journal need not be read unless ordered. The secretary of the Senate and the chief clerk of the House shall report on the correctness of the journal to the committees on legislative procedure. The committees on legislative procedure shall in turn report to their respective houses.

**10-2. Journal contents.** In keeping a correct journal, the secretary of the Senate and the chief clerk of the House shall record in the journals of their respective houses the motions, resolutions, rules and decisions of the respective houses.

**10-3. Journal format and certification.** The secretary of the Senate and the chief clerk of the House shall each furnish a corrected copy of their respective compiled daily journals to the printer having the contract for the printing of the journals. The secretary and the chief clerk shall preface the journals by a title to appear on the first page of the permanent volumes of the journals, substantially as follows:

(Proceedings of the Senate or  
House of Representatives)  
of the  
Legislative Session  
State of South Dakota

(Seal of State)  
Begun and Held at Pierre South Dakota  
on  
Tuesday, January \_\_\_\_ 20\_\_  
and Concluded  
\_\_\_\_\_ March, \_\_\_\_\_ 20\_\_  
Published under the Direction and  
Authority of the Legislature

On the second page of the journal the secretary or chief clerk shall certify that the record contains a full, true, and correct proceeding of the legislative session.

One copy each of the daily permanent journals of the House and Senate shall be certified as follows:

I hereby certify that the following (Senate or House) journal of the \_\_\_\_\_ legislative day is correct.

Secretary of the Senate  
(or Chief Clerk of the House)

The certified copies shall be filed with the secretary of state not later than forty days after the adjournment of the Legislature.



## CHAPTER 11. RULES

**11-1. Joint rule suspension or amendment.** No joint rule may be suspended or amended without the concurrence of a two-thirds majority of the members-elect of either house. The final vote on any amendment may not be taken upon the same day it was offered.

**11-2. Adopting joint rules.** A joint rule may be adopted by concurrence of a majority of the members-elect of each house.

**11-3. Proceedings governed by Mason's Manual.** *Mason's Manual of Legislative Procedure* governs the proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

## CHAPTER 12. VOTING REQUIREMENTS AND PROCEDURE

### CONSTITUTIONAL PROVISIONS

**Article III, § 18. Enacting clause - Assent by majority--Recording of votes.**

*THE ENACTING CLAUSE OF A LAW SHALL BE: "BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA" AND NO LAW SHALL BE PASSED UNLESS BY ASSENT OF A MAJORITY OF ALL THE MEMBERS ELECTED TO EACH HOUSE OF THE LEGISLATURE. AND THE QUESTION UPON THE FINAL PASSAGE SHALL BE TAKEN UPON ITS LAST READING, AND THE YEAS AND NAYS SHALL BE ENTERED UPON THE JOURNAL.*

**Art. XI, § 14. Vote required to impose or increase taxes.**

*THE RATE OF TAXATION IMPOSED BY THE STATE OF SOUTH DAKOTA IN REGARD TO ANY TAX MAY NOT BE INCREASED AND NO NEW TAX MAY BE IMPOSED BY THE STATE OF SOUTH DAKOTA UNLESS BY CONSENT OF THE PEOPLE BY EXERCISE OF THEIR RIGHT OF INITIATIVE OR BY A TWO-THIRDS VOTE OF ALL THE MEMBERS ELECT OF EACH BRANCH OF THE LEGISLATURE.*

**Article XII, § 2. Contents of general appropriation bill--Separate appropriation bills.**

*THE GENERAL APPROPRIATION BILL SHALL EMBRACE NOTHING BUT APPROPRIATIONS FOR ORDINARY EXPENSES OF THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE, THE CURRENT EXPENSES OF STATE INSTITUTIONS, INTEREST ON THE PUBLIC DEBT, AND FOR COMMON SCHOOLS. ALL OTHER APPROPRIATIONS SHALL BE MADE BY SEPARATE BILLS, EACH EMBRACING BUT ONE OBJECT, AND SHALL REQUIRE A TWO-THIRDS VOTE OF ALL THE MEMBERS OF EACH BRANCH OF THE LEGISLATURE.*

**Article XXIII, § 1. Amendments.**

*AMENDMENTS TO THIS CONSTITUTION MAY BE PROPOSED BY INITIATIVE OR BY A MAJORITY VOTE OF ALL MEMBERS OF EACH HOUSE OF THE LEGISLATURE. AN*

1 AMENDMENT PROPOSED BY INITIATIVE SHALL REQUIRE A PETITION SIGNED BY  
 2 QUALIFIED VOTERS EQUAL IN NUMBER TO AT LEAST TEN PER CENT OF THE  
 3 TOTAL VOTES CAST FOR GOVERNOR IN THE LAST GUBERNATORIAL ELECTION.  
 4 THE PETITION CONTAINING THE TEXT OF THE PROPOSED AMENDMENT AND  
 5 THE NAMES AND ADDRESSES OF ITS SPONSORS SHALL BE FILED AT LEAST ONE  
 6 YEAR BEFORE THE NEXT GENERAL ELECTION AT WHICH THE PROPOSED  
 7 AMENDMENT IS SUBMITTED TO THE VOTERS. A PROPOSED AMENDMENT MAY  
 8 AMEND ONE OR MORE ARTICLES AND RELATED SUBJECT MATTER IN OTHER  
 9 ARTICLES AS NECESSARY TO ACCOMPLISH THE OBJECTIVES OF THE  
 10 AMENDMENT.

## 11 STATUTORY PROVISIONS

### 12 § 4-8A-1(1). *Definition of terms.*

13 *Terms as used in this chapter, unless the context otherwise requires, mean:*

14 (1) "General appropriation act," the bill enacted by the Legislature in accordance  
 15 with the provisions of S.D. Const., Art. XII, § 2, requiring a majority vote of all the  
 16 members of each house of the Legislature; [.]

## 17 RULES

18 **12-1. Voting required, exceptions, passes.** Each member who is in the chamber when a  
 19 question is put shall vote unless the body excuses the member. A member may pass only  
 20 once on any roll call vote.

21 **12-2. Voting restrictions.** No member may vote on any question unless within the chamber  
 22 and voting before the result of the vote is announced.

23 **12-3. Voting procedures.** Questions shall be put in this form: "As many as favor the  
 24 question, as stated, say 'Yea'; as many as are opposed to the question, as stated, 'Nay'." If the  
 25 presiding officer doubts the result of a vote or if a division is called for, the members shall  
 26 divide. Those in the affirmative shall first rise from their seats and remain standing until  
 27 counted and then those in the negative shall vote in like manner.

28 **12-4. Changing votes.** If the yeas and nays have been taken on any question, no member  
 29 may change a vote after the decision is announced from the chair, unless by unanimous  
 30 consent of the house.

31 **12-5. Majority vote required for resolutions.** Any joint or concurrent resolution requires  
 32 a majority vote of the members elected to each house of the Legislature, and the yeas and  
 33 nays shall be entered upon the journal. Any House or Senate resolution requires a majority  
 34 vote of the members elected to that house, and the yeas and nays shall be entered upon the  
 35 journal.

36 **12-6. Two-thirds majority vote required to repeal or amend a sunset provision in the**  
 37 **case of a tax statute.** Any repeal of or amendment to a provision which automatically

abolishes the imposition of a tax at a specified time allowing the tax to continue in force requires an affirmative vote of two-thirds of the members elect.

### CHAPTER 13. CONSENT CALENDAR

**13-1. Consent calendar recommendations by standing committees.** Each standing committee may report an uncontested bill or resolution out of committee with the recommendation that it be placed on the consent calendar. As used in this rule, an "uncontested bill or resolution" is any bill or resolution, except a revenue measure, which receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present and has no opposition expressed by any person present at the committee meeting with respect to the final version of the bill or resolution as approved by the committee.

**13-2. Consent calendar placement, objections.** Any bill or resolution certified by the committee chair as an uncontested bill or resolution shall be placed by the secretary of the Senate or the chief clerk of the House of Representatives, on the consent calendar, upon an affirmative vote therefor of all the members present of the committee reporting the bill or resolution to its respective house. Upon objection of any member to the placement or retention of any bill or resolution on the consent calendar, the bill or resolution shall be removed from the consent calendar and may be placed on the house calendar for second reading on the following legislative day. No consent calendar bill or resolution may be considered for adoption until the legislative day following the day of its placement on the consent calendar.

**13-3. Consent calendar scheduling.** The calendar committee in each house may schedule consent calendar bills and resolutions at any time.

**13-4. Consent calendar items--Questions, voting.** Bills and resolutions on the consent calendar are not debatable. The president of the Senate or the speaker of the House of Representatives shall allow a reasonable time for questions from the floor and shall permit the proponents of the bills or resolutions to answer the questions. Immediately before voting on the first bill or resolution on the consent calendar, the president of the Senate or the speaker of the House of Representatives shall call to the attention of the members the fact that the next roll call will be the roll call on the bill or resolution on the consent calendar.

### CHAPTER 14. EFFECTIVE DATE OF LEGISLATION AND VETO CONSIDERATIONS

#### CONSTITUTIONAL PROVISIONS

*Article III, § 22. Effective date of acts--Emergency clause.*

*NO ACT SHALL TAKE EFFECT UNTIL NINETY DAYS AFTER THE ADJOURNMENT OF THE SESSION AT WHICH IT PASSED, UNLESS IN CASE OF EMERGENCY, (TO BE EXPRESSED IN THE PREAMBLE OR BODY OF THE ACT) THE LEGISLATURE SHALL BY A VOTE OF TWO-THIRDS OF ALL THE MEMBERS ELECTED OF EACH HOUSE, OTHERWISE DIRECT.*

***Article IV, § 4, Par. 1, 2, 3, 4. Veto power.***

*WHENEVER THE LEGISLATURE IS IN SESSION, ANY BILL PRESENTED TO THE GOVERNOR FOR SIGNATURE SHALL BECOME LAW WHEN THE GOVERNOR SIGNS THE BILL OR FAILS TO VETO THE BILL WITHIN FIVE DAYS, NOT INCLUDING SATURDAYS, SUNDAYS, OR HOLIDAYS, OF PRESENTATION. A VETOED BILL SHALL BE RETURNED BY THE GOVERNOR TO THE LEGISLATURE TOGETHER WITH THE GOVERNOR'S OBJECTIONS WITHIN FIVE DAYS, NOT INCLUDING SATURDAYS, SUNDAYS, OR HOLIDAYS, OF PRESENTATION IF THE LEGISLATURE IS IN SESSION OR UPON THE RECONVENING OF THE LEGISLATURE FROM A RECESS. ANY VETOED BILL SHALL BE RECONSIDERED BY THE LEGISLATURE AND, IF TWO-THIRDS OF ALL MEMBERS OF EACH HOUSE SHALL PASS THE BILL, IT SHALL BECOME LAW.*

*WHENEVER A BILL HAS BEEN PRESENTED TO THE GOVERNOR AND THE LEGISLATURE HAS ADJOURNED SINE DIE OR RECESSED FOR MORE THAN FIVE DAYS WITHIN FIVE DAYS FROM PRESENTATION, THE BILL SHALL BECOME LAW WHEN THE GOVERNOR SIGNS THE BILL OR FAILS TO VETO IT WITHIN FIFTEEN DAYS AFTER SUCH ADJOURNMENT OR START OF THE RECESS.*

*THE GOVERNOR MAY STRIKE ANY ITEMS OF ANY BILL PASSED BY THE LEGISLATURE MAKING APPROPRIATIONS. THE PROCEDURE FOR RECONSIDERING ITEMS STRUCK BY THE GOVERNOR SHALL BE THE SAME AS IS PRESCRIBED FOR THE PASSAGE OF BILLS OVER THE EXECUTIVE VETO. ALL ITEMS NOT STRUCK SHALL BECOME LAW AS PROVIDED HEREIN.*

*BILLS WITH ERRORS IN STYLE OR FORM MAY BE RETURNED TO THE LEGISLATURE BY THE GOVERNOR WITH SPECIFIC RECOMMENDATIONS FOR CHANGE. BILLS RETURNED SHALL BE TREATED IN THE SAME MANNER AS VETOED BILLS EXCEPT THAT SPECIFIC RECOMMENDATIONS FOR CHANGE AS TO STYLE OR FORM MAY BE APPROVED BY A MAJORITY VOTE OF ALL THE MEMBERS OF EACH HOUSE. IF THE GOVERNOR CERTIFIES THAT THE BILL CONFORMS WITH THE GOVERNOR'S SPECIFIC RECOMMENDATIONS, THE BILL SHALL BECOME LAW. IF THE GOVERNOR FAILS TO CERTIFY THE BILL, IT SHALL BE RETURNED TO THE LEGISLATURE AS A VETOED BILL.*

**STATUTORY PROVISIONS**

***§ 2-14-16. Effective date of legislative acts.***

*Subject to the provisions of the Constitution and statutes relating to vetoes and the referendum, an act of the Legislature which does not prescribe when it shall take effect, if passed at a regular session, takes effect on the first day of July after its passage and if passed at a special session on the ninety-first day after the final adjournment of such session.*

1    **§ 2-7-20.1. Certificate of conformity by Legislature in form and style.**

2    *Whenever the Governor certifies, pursuant to paragraph four of section 4 of article IV of the*  
3    *Constitution, that the Legislature has conformed a bill to his recommendations, that*  
4    *certificate shall be typed and signed on the enrolled bill.*

5    **§ 2-7-20.2. Veto of bills passed before last four session days--Message to house of origin--**  
6    **Reconsideration--Filing with secretary of state.**

7    *Whenever the Governor vetoes any bill or any items of a bill which was presented to him*  
8    *five or more calendar days before an adjournment or a recess of the Legislature, he shall*  
9    *transmit his veto message with the original bill to the secretary of the Senate or chief clerk*  
10   *of the House of Representatives, whichever was the house of origin, on the date of his*  
11   *exercise of the power but no later than noon on the last legislative day prior to adjournment*  
12   *or recess. The officer of the house receiving the veto message shall certify on the original*  
13   *copy of the bill whether reconsideration was had and the vote on any reconsideration and*  
14   *shall transmit the bill and veto message to the secretary of state for filing when the time for*  
15   *reconsideration has passed.*

16   **§ 2-7-20.3. Veto of bills too late for return to Legislature--Transmittal to secretary of**  
17   **state**

18   *Whenever the Governor vetoes a bill or any items of a bill which was presented to him*  
19   *during the final four days preceding an adjournment or a recess and it cannot be*  
20   *transmitted to the house of origin in session, he shall transmit the original bill and his veto*  
21   *message to the secretary of state within one day following his veto but no later than the*  
22   *sixteenth day following adjournment or recess.*

23   **§ 2-7-20.4. Bills becoming law without Governor's signature or objections.**

24   *Whenever the Governor fails to veto any bill which shall become law without his signature*  
25   *or the certificate referred to in § 2-7-20.1, he shall deliver it to the secretary of state who*  
26   *shall note, beneath the signature line provided for the Governor, that it was delivered by the*  
27   *Governor without his signature and without his objections. No communication relating to*  
28   *his reasons for not signing the bill shall be filed or recorded by the secretary of state.*

29    **CHAPTER 15. INTERHOUSE COMMUNICATIONS AND TRANSMISSIONS**

30    **15-1. Communications by messages.** Any communication between the Senate and the  
31    House of Representatives shall be by message which shall be signed by the secretary or  
32    chief clerk, respectively, and sent to the house to which it is addressed.

33    **15-2. Notification of bill or resolution rejection.** If a bill or joint resolution which has  
34    passed one house is rejected by the other, the house of origin shall be immediately notified  
35    of this action.

1 **15-3. Notification of bill or resolution deferred to 36th or 41st day.** If the consideration  
2 of any bill or joint resolution which originated in one house shall be postponed in the other  
3 house to a day so distant that it will not be taken up again by the present session, the house  
4 of origin shall be immediately notified of such action.

## 5 **CHAPTER 16. JOINT SESSION**

6 **16-1. Organization of a joint session.** While the two houses are acting together on any  
7 matter, the president of the Senate shall preside and all questions of order shall be decided  
8 by the president, subject to an appeal of both houses, as though but one body was in session.

9 **16-2. Call of the house.** A call of the members of either house may be had in joint session  
10 by order of the house in which the call is desired.

11 **16-3. Recording of the proceedings.** The secretary of the Senate and the chief clerk of the  
12 House shall be the clerks of the joint session and keep a record of the proceedings and enter  
13 the record in the journals of the Senate or of the House.

14 **16-4. Motion to defer or adjourn.** Any motion to defer or adjourn shall be decided by a  
15 joint vote of both houses, and, if required, the yeas and nays shall be entered upon the  
16 journals of both houses.

17 **16-5. Suspension of floor privileges.** During a joint session, former Governors, Lieutenant  
18 Governors, members of the Congress of the United States from South Dakota and former  
19 members of the South Dakota Legislature will not be admitted to the chamber. The  
20 presiding officer will instruct the sergeant at arms to provide a reserve seating section in the  
21 chamber gallery for these former officials who wish to witness the joint session.

**CHAPTER 17. LEGISLATIVE DEADLINES**

<b>Legislative Deadlines</b>		
<b>Legislative Action</b>	<b>40 Day Session</b>	<b>33 Day Session</b>
Final day for introduction of individual bills and joint resolutions	15 <sup>th</sup> Day	10 <sup>th</sup> Day
Final day for introduction of committee bills and joint resolutions*	16 <sup>th</sup> Day	11 <sup>th</sup> Day
Last day upon which Joint Rule 5-17 can be invoked on a bill or resolution in either house	26 <sup>th</sup> Day	19 <sup>th</sup> Day
Last day to move required delivery of bills or resolutions by a committee to the house of origin*	27 <sup>th</sup> Day	20 <sup>th</sup> Day
Last day to pass bills or joint resolutions by the house of origin*	28 <sup>th</sup> Day	21 <sup>st</sup> Day
Final day for introduction of concurrent resolutions	28 <sup>th</sup> Day	26 <sup>th</sup> Day
During the seven final legislative days motions to reconsider and reconsideration being made upon the same day (any time before adjournment)	34 <sup>th</sup> Day on	27 <sup>th</sup> Day on
Last day to move required delivery of bills or resolutions by a committee to the second house*	35 <sup>th</sup> Day	28 <sup>th</sup> Day
Last day for a bill or joint resolution to pass both houses*	36 <sup>th</sup> Day	29 <sup>th</sup> Day
Two days preceding the final two days of a legislative session shall be reserved for concurrences or action upon conference committee reports	37 <sup>th</sup> Day 38 <sup>th</sup> Day	30 <sup>th</sup> Day 31 <sup>st</sup> Day
The final day of a legislative session is reserved for the consideration of vetoes	40 <sup>th</sup> Day	33 <sup>rd</sup> Day
* This deadline does not apply to the general appropriations bill.		

**17-1. Calendar less than 40 days.** If a Session Calendar is adopted for a period of thirty-six (36) days to thirty-nine (39) days, inclusive, the legislative deadlines set forth in Chapter 17 of the Joint Rules for a thirty-five (35) day session shall be increased by the same number of days by which the length of the adopted calendar exceeds thirty-five (35) days.